



UNITED STATES MARINE CORPS

HEADQUARTERS MARINE CORPS AIR STATION MIRAMAR
PO BOX 452000
SAN DIEGO CA 92145-2000

StaO P5510.2B

PMO

10 MAY 2001

STATION ORDER P5510.2B

From: Commanding General
To: Distribution List

Subj: LAW ENFORCEMENT REGULATIONS

Ref: (a) MCO 1630.4A
(b) Manual for Courts-Martial
(c) MCO 5110.1C
(d) State of California Vehicle Code
(e) MCO P5580.2A
(f) MCO P5300.12A
(g) SECNAVINST 5822.1A
(h) MCO 5510.15A
(i) DoD Directive 1344.7
(j) SECNAVINST 1740.2D
(k) MCO 1620.2C

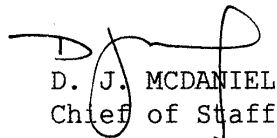
Encl: (1) LOCATOR SHEET

1. Purpose. To promulgate law enforcement regulations for Marine Corps Air Station (MCAS) Miramar per references (a) through (k). This is a punitive order enforced under the Uniform Code of Military Justice (UCMJ).

2. Cancellation. StaO P5510.2A.

3. Action. The regulations published in this Manual will be complied with by all units, civilian agencies and dependents who are assigned to, reside or employed aboard MCAS Miramar. Areas adjacent to this Station that are leased, occupied, or used by this station are included within the purview of this Manual.

4. Certification. Reviewed and approved this date.


D. J. MCDANIEL
Chief of Staff

DISTRIBUTION: A

StaO P5510.2B

10 MAY 2001

LOCATOR SHEET

Subj: LAW ENFORCEMENT REGULATIONS

Location: _____
(Indicate location(s) of copy(ies) of this Manual.)

ENCLOSURE (1)

LAW ENFORCEMENT REGULATIONS

RECORD OF CHANGES

Log completed change action as indicated.

Change Number	Date of Change	Date Entered	Signature of Person Incorporated Change

LAW ENFORCEMENT REGULATIONS

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LAW ENFORCEMENT REGULATIONS

CHAPTER 1

AUTHORITY AND JURISDICTION

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LAW ENFORCEMENT REGULATIONS

CHAPTER 1

AUTHORITY AND JURISDICTION

1000. GENERAL. The Provost Marshal's Office (PMO) operates under the authority of the Commanding General, MCAS Miramar, the U.S. Navy Regulations, and the Marine Corps Manual in all matters pertaining to security and law enforcement.

1001. REPORTING RESPONSIBILITY. It is the responsibility of every officer and noncommissioned officer to be familiar with these regulations and, per reference (a), to report all offenses, which occur aboard any section of the Air Station, including housing, to the Provost Marshal. If the offense requires referral to another agency for investigation, the Provost Marshal will make the referral per current directives.

1002. OBEDIENCE TO MILITARY POLICE. All persons, regardless of rank, will obey the orders of the Military Police. Should any doubt exist as to the validity or propriety of any order given by the Military Police, it will be complied with and the matter referred to the Provost Marshal. Military Police include all persons assigned law enforcement duties by the Provost Marshal.

1003. INTERFERENCE WITH MILITARY POLICE. No person will restrict, impede, or otherwise interfere with Military Police or Criminal Investigators in the performance of law enforcement duties.

1004. AUTHORITY TO ORDER SEARCHES

1. Per reference (b), Rule 315, Military Rules of Evidence (MRE), the Commanding General has authority to authorize searches of:

a. Property owned or controlled under the jurisdiction of the United States.

b. All property located in an area under the jurisdiction of, and owned, used, or occupied by persons subject to military law.

2. In the event the Commanding General is unavailable, this authority resides with the Chief of Staff. Questions pertaining to Property being subject to the authority of the Commanding General will be referred to the Staff Judge Advocate (SJA) before a search is authorized.

3. The delegation of authority outlined in paragraph 2 is not to be construed as imposing any limitations or restrictions on searches conducted by subordinate commanders, officers in charge, or tenant commanders within areas under their control; or other legal searches outlined in reference (b), MRE 312-317.

1005. GATE INSPECTIONS

1. Military Police will conduct random vehicle inspections under reference (b), MRE 313, to ensure the safety and security of MCAS Miramar. Specially trained detector dogs are authorized to participate in these inspections.

2. All vehicles and persons entering or leaving MCAS Miramar are subject to search by the Military Police. All vehicles shall come to a stop at the gate unless posted otherwise, or directed to proceed by the Military Police.

3. All packages, lunch boxes, tool kits, bundles, or containers of any kind carried by persons entering/departing MCAS Miramar are subject to search and may be opened by the Military Police for inspection upon entering or departing the Station.

4. Drivers of commercial vehicles will present to the Military Police, upon request, a shipping document, bill of lading, or other appropriate document that identifies the contents of the vehicle.

1006. JURISDICTION

1. Jurisdiction Defined. For purposes of this Order, jurisdiction is defined as the authority by which courts and judicial officers take cognizance of matters within the boundaries of MCAS Miramar.

2. Partial Jurisdiction Defined. The term "partial jurisdiction" means that the state has retained certain regulatory powers over a geographical area but that criminal matters are exclusively within the jurisdiction of the federal government. For purposes of violations of criminal law, the terms "partial jurisdiction" and "exclusive jurisdiction" are synonymous. Only federal law enforcement officers may investigate crimes or make arrests in such areas and only federal courts may try individuals accused of committing crimes in these areas. Within the operational area of MCAS Miramar, the northernmost boundary of partial jurisdiction is roughly defined by the line running east from Schilt Avenue coincidental with Delta Road in a due west direction to Kearny Villa Road. The eastern boundary is roughly defined by the intersection of the northernmost boundary described above with Kearney Villa Road and running south to the southern fenceline of

the air station. From the northernmost boundary at Delta Road at the eastern edge of Schilt Avenue, the boundary runs south coincidental with Schilt Avenue through the eastern side of the softball field, continuing south to the east of the Enlisted Club to Miramar Way. From this point, the boundary follows Miramar Way in a west/southwest direction to a point on Miramar Way north of the northwest corner of the west wing of the Consolidated Brig, Building 7684. The boundary then runs south through the airfield to the southern fenceline of the air station. The area west of Kearny Villa Road and further described above, falls under partial jurisdiction.

3. Proprietary Jurisdiction Defined. The areas outside of the limits described in paragraph 2 above, are areas of "proprietary jurisdiction." In these areas, state law enforcement officers may investigate violations of the California Penal Code committed by civilians or make civilian arrests. Only state courts may try civilians for such violations of state law. Violations of federal law may be prosecuted in federal court, but in areas of proprietary jurisdiction, the state retains authority to investigate and prosecute criminal misconduct by both civilians and active duty personnel. Therefore, active duty service members may be tried in both state and military courts. The North gate, all clubs, most officer's housing, and about half of the BOQ and some of the BEQ's, the golf course, the exchange and the commissary are located in areas of proprietary jurisdiction.

4. Exercise of Police Powers. In both partial and proprietary jurisdiction areas, Military Police may patrol and exercise their authority as necessary to preserve good order and protect life and property. However, in areas of proprietary jurisdiction, civilians violating the California Penal Code may be detained by Military Police and must be delivered to state or local authorities who will assume responsibility for the investigation and prosecution of alleged criminal offense. State and local police agencies have the power to patrol and exercise full police powers only in areas of proprietary jurisdiction so long as they do not interfere with military functions.

LAW ENFORCEMENT REGULATIONS

CHAPTER 2

TRAFFIC LAW ENFORCEMENT PROGRAM

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LAW ENFORCEMENT REGULATION

CHAPTER 2

TRAFFIC LAW ENFORCEMENT PROGRAM

2000. GENERAL. Driving a government vehicle or privately owned vehicle (POV) aboard MCAS Miramar is a privilege granted by the Commanding General.

2001. DEFINITIONS

1. Driving Privilege. The privilege is extended by the Commanding General to an individual permitting the operation of a motor vehicle within the limits of the installation. This privilege, once extended, is subject to administrative suspension or revocation for cause as determined by the Commanding General. Upon such administrative action, all POV's registered to the individual against whom the action is taken will automatically be deregistered, and the DoD decal removed. Individuals may apply to reregister their vehicles after their driving privileges are reinstated.

2. Emergency Vehicle. Fire, military police, crash vehicle, ambulance, and other such vehicles may be designated or authorized by the Commanding General.

3. Motorized Bicycle. A two wheeled conveyance which can be driven either by a person using pedals or by electric energy, and can be connected by automatic transmission to a motor which produces less than two gross brake horsepower and can move the bicycle at no more than 30 miles per hour.

4. Motor Vehicle. Any vehicle which is self-propelled.

5. Motorcycle. Any motor vehicle having a seat or saddle for the use of the rider, designed to travel not more than three wheels in contact with the ground, and weighing less than 1,500 pounds.

6. Pedestrians. Includes all persons who walk, run, jog, speed walk, etc., on or near a roadway.

7. Respondent. Any person appearing before the Traffic Board.

8. Revocation of Driver's License. The formal action of termination, by state authority, of a person's driver's license or privilege to operate a motor vehicle on a public highway. Termination of a license, as such, is not subject to restoration except by an application presented to and acted upon by the state after the revocation period has expired. Once a persons drivers license is revoked, that person is no longer authorized to operate a motor vehicle on a military installation, for they are no longer "licensed" to drive.

9. Revocation of Driving Privileges. Action taken by the Commanding General to terminate an individual's privilege to operate a motor vehicle on a military installation for a specific period, but never less than six months. This action precludes renewal or restoration except by application only after the specified period of time has elapsed.

10. Suspension of Driver's License. The formal action of temporary withdrawal, by state authority, of a person's license or privilege to operate a motor vehicle on a public highway. This temporary withdrawal is for a specified period of time. Once a persons drivers license is suspended, that person is no longer authorized to operate a motor vehicle on a military installation, as they are no longer "licensed" to drive.

11. Suspension of Driving Privileges. The temporary withdrawal by the Commanding General of an individual's privilege to operate a motor vehicle on a military installation for a specified period of time, not to exceed six months.

12. Vehicle. A device by which a person or property may be propelled, moved, or drawn upon a highway, except a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

2002. RESPONSIBILITIES

1. Ground Safety Manager

a. Maintain appropriate records of personnel attending driver improvement or remedial driver training and notify Commanding Officer's and department heads of those who fail to attend or who fail either course of instruction.

b. Develop and administer the station motorcycle safety program to include a motorcycle safety and skill course that involves direct observation of the rider's ability, and classroom presentations, such as the curriculum and performance evaluation approved by the Motorcycle Safety Foundation.

c. Administer the station remedial driver training program.

2. Provost Marshal. Responsible for the overall administration of the traffic law enforcement program, except as noted in paragraph 2002.1 above.

2003. REQUIREMENTS FOR DRIVING PRIVILEGES. Per reference (c), all persons who accept the privilege of driving aboard the station must:

1. Comply with the provisions contained in this Manual, reference (d), and all laws and regulations governing motor vehicle operations on this station.

2. Comply with Station registration requirements contained in paragraph 2006 of this manual.

3. Possess, while operating a motor vehicle, and produce on demand to Military Police personnel:

a. Proof of vehicle ownership and/or state registration;

b. A valid state drivers license; and

c. Proof of insurance, a minimum coverage of \$15,000 liability, \$30,000 personal injury, and \$5,000 property damage.

2004. VEHICLE SAFETY REQUIREMENTS

1. General. Safety inspections of vehicles are the responsibility of the vehicle owner/operator. Persons driving an unsafe vehicle may be issued a traffic citation as described in paragraph 2015.10 of this Order. The minimum acceptable vehicle safety requirements are:

a. Operational windshield wipers.

b. Headlights with operational upper and lower beam, and properly aimed per paragraph 24407 of reference (d).

- c. Operational parking lights.
- d. Operational taillights that are visible from a distance of 500 feet to the rear or 1,000 feet for vehicles manufactured after 1 January 1969.
- e. Operational license plate light that is visible from 50 feet.
- f. Operational brake lights.
- g. Operational turn signals, front and rear.
- h. Operational speedometer.
- i. Operational horn that is audible from a distance of 200 feet.
- j. Rear view mirrors that afford vision to the rear for a distance of 200 feet. A minimum of two such mirrors are required, one of which must be affixed to the left side of the vehicle.
- k. Muffler must reduce motor noise to a reasonable degree and be free of leaks. Exhaust systems will not be equipped with a bypass kit or other modifications that increase noise.
- l. Windshields, rear, and side glass must be free of cracks that obstruct vision or create a safety hazard. Signs, stickers, or other materials that are displayed on the windshield will be restricted to a seven inch square in the lower corner of the windshield farthest removed from the driver and a five inch square in the lower corner closest to the driver.
- m. Tires must have a minimum of 1/32 inch of tread on the entire circumference across that surface of the tire that contacts the roadway and will be free of breaks and protuberances. Racing slicks are prohibited.
- n. Vehicles manufactured with hoods, doors, and truck lids must possess these items and they must close securely without the use of straps, wires, or other foreign devices.
- o. Parking brakes must be capable, when fully applied, of holding a vehicle stationary on a five percent grade.

p. All POV's manufactured after 1966, except motorcycles, must be equipped with seat belts for the operator and all passengers.

q. Vehicles of model year 1973 or later shall be equipped with a certified device to control the emission of pollutants from the crankcase and exhaust.

r. No vehicle shall have any object or material (tint) placed, displayed, installed, affixed, or applied in or upon the vehicle which obstructs or reduces the drivers clear view through the windshield or front side windows.

2. Motorcycle, Motorized Bicycles, and other self propelled cycles. For operators and passengers of motorcycles, motorized bicycles, and other self propelled cycles (ATV's etc.), the following rules apply:

a. Headlights will be on at all times when in operation.

b. A rear view mirror will be attached to each side of the handlebars.

c. Operators and passengers will wear an approved crash helmet that meets the American National Standards Institute (ANSI) standard number Z90.1, DOT, or Snell Institute Standards.

d. Impact or shatter resistant goggles or full-face shield attached to the helmet. Windshield or eyeglasses alone is not considered proper eye protection.

e. Hard soled boots or shoes with heels. The use of leather boots is encouraged. No sandals, open toe shoes, or tennis shoes.

f. High Visibility Vest/Jacket. A brightly colored outer upper garment will be worn during the day. Only the upper half of the garment is required to be brightly colored. Brightly colored does not include the camouflage utilities, dark blue, black, dark green, etc. During inclement weather, and from sunset to sunrise a brightly colored - reflective upper garment with two 1 1/2 to 2 inch wide vertical or horizontal retro-reflective strips front and back, or a commercially available mesh/fabric vest that is bright yellow, international orange or lime green with two 1 1/2 to 2 inch wide vertical or horizontal retro-reflective strips front and back will be worn. The vest is authorized for wear by Marines in uniform, and should be removed as soon as the Marine gets off the motorcycle. The garment must not be covered or concealed, such as by a backpack.

g. Properly worn long sleeved shirt or jacket, long legged trousers, and full fingered gloves or mittens.

2005. MODIFICATIONS/ALTERATIONS TO VEHICLES

1. Modification of Suspension Systems. No modification or alteration to the suspension of a vehicle shall be made that reduces or increases the clearance between the body or frame and the road surface from the original manufacturer's specification and does not meet the provisions of reference (d) as described below.

a. No vehicle shall be modified from the original design so that any portion of the vehicle has less clearance from the surface of a level roadway than the distance between the roadway and the lowermost portion of any rim of any wheel.

b. No vehicle shall be modified from the original design so that the frame height, as measured from a level surface to the lowest point on the frame midway between the front axle and the second axle on the vehicle, exceeds the maximum permissible height as follows:

- (1) Passenger cars: 23 inches
- (2) Up to 4,500 GVWR: 27 inches
- (3) 4,501-7,500 GVWR: 30 inches
- (4) 7,501-10,000 GVWR: 31 inches

c. The lowest portion of the body floor shall not be more than five inches above the top of the frame.

d. Any vehicle that does not conform to these height requirements will not be allowed on station nor will it be registered.

2. No vehicle will be allowed on station that displays decals, paintings, or written material that has or may have a tendency to produce a breach of the peace or other disturbance that would directly interfere with the orderly functions of the station.

3. Motorcycle Modifications. Per section 27801 of reference (d), no person shall be permitted to register or operate a motorcycle on station that is:

a. Equipped with a seat so positioned that the driver, when sitting astride the seat, cannot reach the ground with their feet; and

b. Equipped with handlebars so positioned that the hands of the driver, when upon the grips, are at or above shoulder height when sitting astride the seat.

2006. REQUIREMENTS FOR VEHICLE REGISTRATION

1. Policy. All active duty military, DoD civilian employees, military retirees, and military family members who live, work, or frequently use the facilities available at MCAS Miramar shall register their vehicle(s) with the Vehicle Registration Office. Personnel reporting aboard shall register their vehicle(s) within five working days of their report date.

2. Smog Inspection

a. Vehicles Requiring Smog Inspection

(1) Per the California Vehicle Code, all vehicles registered in the State of California are required a biannual smog inspection.

(2) Per the Federal Clean Air Act, all vehicles operated aboard Federal installations are required to comply with state smog inspection requirements. As such, all out of state registered vehicles operated aboard MCAS Miramar, for more than 60 days, are required to have their vehicle inspected biannually.

b. Vehicles Exempt from Smog Inspections

(1) Vehicles manufactured during or before the 1973 model year.

(2) Vehicles that are four model years old or less.

(3) Diesel powered vehicles.

(4) Motorcycles.

c. Waivers for Smog Inspection. In the event a vehicle should fail the smog test the owner is liable for a maximum of \$450 in repairs in an attempt to get their vehicle in compliance. If after spending \$450 the owner is still unable to receive a Certificate of Compliance, a one-time emission cost waiver may be obtained from a "Referee" inspection station.

3. Station Registration Requirements. The below listed items are required and must be presented to Military Police personnel at the time of registration:

a. A valid state driver's license.

b. An active duty military, dependent, or retired military identification card, or an appropriate DoD civilian employee identification card.

c. Proof of vehicle ownership, such as a certificate of state registration as required by the state in which the vehicle is registered. Persons need not own the vehicle to register it, but must have a lease agreement, power of attorney, or notarized statement from the owner of the vehicle specifying the inclusive dates for which permission to use the vehicle is granted.

d. Proof in insurance, a minimum coverage of \$15,000 liability, \$30,000 personal injury, and \$5,000 property damage.

e. Proof of smog inspection (out of state vehicles only).

f. For motorcycles, proof of completion of a Motorcycle Safety Foundation (MSF) or California Motorcycle Safety Program (CMSP) safety and skill course is required for permanent registration. For temporary registration, individuals must show proof that they are scheduled to attend the station motorcycle safety course.

g. Proof of completion of a driver improvement course if under the age of 26.

4. State Registration Requirements. Vehicles must be registered and licensed in the State of California or in the state of legal residence. Pursuant to a military exemption, nonresident members of the armed forces may continue to register their POV's in their state of legal residence without tax or registration obligation to the State of California. Nonresidents desiring to register in the State of California may obtain a special license rate by filing a nonresident exemption form with the California Department of Motor Vehicles.

5. Motorized Bicycles. Street legal motorized bicycles operated on the station are required to be registered and licensed with the California Department of Motor Vehicles and MCAS Miramar. Personal liability insurance in the amount of \$35,000 is required on all street legal motorized bicycles.

2007. DOD REGISTRATION DECALS

1. A vehicle registration decal (DD Form 2220) and expiration tab will be issued to applicants who meet the criteria set forth in paragraph 2006 above.
2. Registration decals will be affixed to the lower driver's side corner of the windshield.
3. Registration decals will be maintained by the registrant in such condition as to be clearly legible at all times. When a decal becomes damaged to the extent that it is not clearly legible, the registrant will immediately make application for a new decal.
4. Registration decals are issued for use on a specific vehicle and may not be interchanged with other vehicles.
5. Registration decals are issued for a maximum period of two years for out of state registered vehicles and will expire on the date of expiration of the smog certificate or expiration of active duty which ever is earlier. Vehicles registered in the state of California will be issued registration decals for a maximum period of three years or expiration of active duty which ever date is earlier.

2008. CHANGES TO REGISTRATION INFORMATION. It is the responsibility of the individual concerned to promptly notify the Vehicle Registration Office of any changes in status or appearance of the registered vehicle. Examples of changes are new license plates, change of color on the vehicle, change of unit, etc.

2009. REMOVAL OF REGISTRATION DECALS. The registration decal remains the property of the U. S. Government and shall only be removed by members of PMO in the official performance of their duties. Should the registered owner be transferred from the station, the individual will report to the Vehicle Registration

Office for cancellation of registration. If transferred to the reserve or retired list, decals may be retained unless there is a change in grade, i.e. enlisted to officer, officer to enlisted. In the event an owner sells or trades a vehicle, or is involved in an accident that renders the vehicle useless, the individual will return the decal to the Vehicle Registration Office. Vehicles will not be sold or have ownership transferred with the registration decal on the vehicle.

2010. TEMPORARY PASSES. Temporary vehicle passes will be issued for all non-registered vehicles entering the station. These passes will be issued for the periods indicated below.

1. Military personnel in a temporary additional duty status for the period of their stay aboard the station.
2. Military and civilian personnel being detached from the station who have surrendered their DoD decal, not to exceed 30 days.
3. Military and civilian personnel reporting aboard during normal working hours, not to exceed five days.
4. Assigned personnel who purchase new or used vehicles, not to exceed 30 days.
5. Contractors, contractor employees, and aircraft technical representatives, not to exceed 45 days or length of contract which ever is less.
6. Military and civilian personnel scheduled to attend the motorcycle safety course/Drivers Improvement Course may be issued a temporary pass good until the date of their scheduled class, as verified by Station Safety.
7. Special cases, not specifically covered above, as deemed appropriate by the Provost Marshal or a designated representative.

2011. VISITOR PASSES

1. Visitor passes will be issued to authorize visitors or guests for short periods aboard the station, as indicated in Chapter 4 of this Manual. Visitor passes will not be issued to a person who resides, performs duty, is employed on, or frequently uses the facilities of the Station.

2. Visitor passes will not be issued to commercial carriers or commercial representatives of firms doing regular business aboard the Station. However, these vehicles will be checked for verification of destination and contents.

3. Visitor passes will be used only by the vehicle for which the pass was issued.

4. Proof of vehicular ownership, insurance, and a valid driver's license must be shown prior to the issuance of a visitor pass.

2012. TRAFFIC REGULATIONS. In addition to references (c) and (d), the following regulations apply aboard MCAS Miramar.

1. Restraint Systems. Infant and child restraint devices are required in POV's for children four years old or younger and/or children who weigh 40 pounds or less. Passenger restraint systems (seat belts) are required in all vehicles manufactured after 1966, and in the bed of all pickup trucks when transporting passengers in the bed of the truck. The use of a restraint system is required by:

a. All operators and passengers of government vehicles on or off the station;

b. All civilian personnel (family members, guests, and visitors) driving or riding in a POV on the station;

c. All military and reserve component personnel when driving or riding in a POV regardless on or off the station: and

d. All military, military family members, reserve component, and civilian personnel regardless of age, when riding in the bed of a pickup truck. Trucks with enclosed campers or camper shells are exempt. All restraining devices must meet federal Motor Vehicle safety standards.

2. Traffic Control Devices. Traffic signs and curb markings shall conform to the specifications set forth in the Bureau of Public Roads Uniform traffic Control Device Manual. Traffic control devices posted by order of the Provost Marshal shall have the force and effect of a Station directive. Directions given by Military Police acting as traffic control sentries will supercede all other traffic control devices. No traffic control device shall be erected, moved, altered, or damaged without the approval of the Provost Marshal.

3. Motor Vehicle Operator's Permit. Any person operating a vehicle aboard this Station shall have in their possession a valid operator's permit. Persons operating a government vehicle shall have a valid U.S. Government Motor vehicle Operator's Identification Card (SF-46), unless exempted by current directives.

4. Blocking of Roads. No one shall obstruct roads, sidewalks, service roads, or parking areas without the permission of the Provost Marshal. The Public Works Officer shall notify the Fire Department and PMO prior to any such obstruction necessitated by the functions of the Public Works Department. Adequate barricades and obstruction lights will be provided by the organization performing work aboard the Station to ensure that pedestrians and vehicles are aware of existing hazards.

5. Pedestrians

a. Walking Near Roads. Pedestrians shall, at all times, walk on sidewalks or road shoulders as applicable. When walking on shoulders pedestrians shall walk facing traffic.

b. Pedestrian Crossings. Whenever possible, pedestrians shall cross roads only in a marked pedestrian crossing or at intersections. When crossing a roadway at other than pedestrian crossings or intersections, pedestrians shall yield the right of way to vehicles. No pedestrian shall enter a pedestrian crossing in such a manner as to cause vehicles to brake sharply or to cause an accident.

c. Loitering in Street. No person shall loiter in, or cross a street or roadway in such a manner as to unnecessarily impede the flow of vehicular traffic. No one, child or adult, shall play in streets or roadways.

d. Troop Formations. Troop formations have the right of way over all vehicular traffic. Formations will keep to the extreme right side of the roadway and travel in the direction of traffic. Whenever possible, troop formations will stay off streets and roadways. Sufficient road guards will be assigned to stop traffic at intersections and other critical points. All road guards will wear high visibility vests and during the hours of darkness carry an operable flashlight. The speed limit when passing troop formations is ten miles per hour.

e. Hitchhiking. Hitchhiking or soliciting rides on any portion of a roadway used for vehicular traffic is prohibited on the Station.

f. Runners. Individual runners will run on the shoulder of the roadway facing traffic. Physical training formations will keep to the extreme right side of the roadway and travel in the direction of traffic, not impede the flow of traffic, and shall not run off station or in traffic lanes at any station access gate. Sufficient road guards will be assigned to stop traffic at intersections and other critical points. All road guards will wear high visibility vests and during the hours of darkness carry an operable flashlight. No formation runs are authorized in housing, exchange/commissary area, or on Miramar Way east of Mitscher. During high traffic density and peak traffic periods, individuals will not jog, run, or walk on Miramar Way and Mitscher Way between the hours of 0630-0745 and 1530-1700.

6. Bicycles

a. Traffic Laws. Persons riding bicycles are subject to the same traffic laws and have the same responsibilities as drivers of motor vehicles except for those provisions, which by their very nature can have no application to bicycles.

b. Operation. Bicycles may be operated on streets and roadways only and will not be ridden in areas designated for pedestrian traffic such as sidewalks, shopping areas, etc.

c. Equipment. Bicycles will be equipped with a seat and handle bars affixed to the bicycle. When operated during hours of darkness, bicycles must be equipped with a rear reflector and headlight of sufficient power to be visible under normal weather conditions from a distance of 300 feet. All riders are required to wear DOT/SNELL approved safety helmets.

7. Motorized Bicycles

a. Traffic Laws. Any person holding a valid driver's license of any class with a CA M2 endorsement may operate a motorized bicycle on a roadway. All motorized bicycles are required to obtain a special plate issued by the California Department of Motor Vehicles.

b. Operation. A motorized bicycle may not be driven on a freeway, bicycle path, trail, or bikeway, unless the path or trail is on or next to a roadway. Motorized bicycles may not be driven on off-road areas of MCAS Miramar.

c. Equipment. The operators of motorized bicycles aboard MCAS Miramar must be in compliance with regulations covering operation of a motorcycle contained in paragraph 2004.2.

8. Headphones/Earphones. Use of headphones and earphones are prohibited while operating a motor vehicle, walking, jogging, bicycling, or skating on roadways aboard MCAS Miramar.

9. Vehicle Parking

a. Curb Parking. Vehicles may parallel park on roadways only where such parking is authorized. At no time shall a vehicle be parked in such a manner that it blocks or impedes traffic flow on a roadway. Vehicles parked or stopped on a roadway where parallel parking is authorized shall park facing the direction of the flow of traffic, with the right hand wheels parallel with and within 18 inches of the right hand curb.

b. Prohibited Parking. Vehicles will not be parked on sidewalks, lawns, or unpaved areas that are not designated parking areas, road shoulders, or any other area designated as a no parking area. The following rules apply:

(1) Within 20 feet of the inside of a boundary or security fence and within 30 feet of the outside of a boundary or security fence.

(2) Within five feet of any dumpster (trash container).

(3) Within 15 feet of any fire hydrant or stop sign.

(4) So as to obstruct the normal flow of vehicular or pedestrian traffic, or driver's vision.

(5) On the airfield proper without specific permission of Air Operations.

(6) Within fire or bicycle lanes.

(7) Within five feet of any building unless specifically posted as an authorized parking area.

(8) On any landscaped area where vegetation is growing.

c. Reserved Parking. All reserved parking spaces aboard MCAS Miramar will be approved by the Assistant Chief of Staff, G-4, who will provide PMO with an approved copy. Marking of reserved parking spaces is the responsibility of the Public Works Officer. Existing on and off-street parking facilities should be utilized on a non-reserved, first-come, first-served basis. When reserved or assigned parking requirements are objectively justified, the following guidelines regarding priority should apply;

(1) Government vehicles in direct support of Station or departmental missions.

(2) Government vehicles in general support missions, e.g., couriers, postal, cargo delivery.

(3) POV's of handicapped personnel.

(4) POV's of patrons (including outpatients), visitors and;

(5) POV's of assigned personnel and employees not otherwise accommodated, with preference given to car pools.

d. Occupants in Parked Vehicles. No person under the age of ten or any person physically handicapped to the extent that unaided egress from a vehicle is not possible, shall be permitted to remain in a parked vehicle unless accompanied by an adult.

e. Emergency Vehicle Parking. Emergency vehicles are authorized to park in reserved or restricted parking areas while performing official duties.

10. Speed Limits. The maximum speed limit aboard this Station is 35 MPH. The specific speed limits for vehicular traffic aboard this Station are as follows:

a. 15 MPH Zones: Heavily congested area having blind approaches (Commissary, Exchange, all parking lots, ect.), and areas in which heavy pedestrian traffic is expected (children's playground areas, housing areas, dispensary, ect.).

b. 25 MPH Zones: Main thoroughfares in built-up areas, and unsurfaced/unpaved roadways.

c. 35 MPH Zones: Open areas with surfaced/paved roads.

11. Radar Detection/Counter Measure Devices. The use of radar detection/counter measure devices to indicate/jam the presence of speed recording instruments or transmit erroneous speeds is prohibited.

12. Roller-Skating/In-Line Skating/Skate-Boarding. The use of roller skates, in-line skates, and skateboards is prohibited in any workspace including hangars and the flight line. ANSI approved helmets are required for skating/skateboarding. Protective equipment such as elbow pads, knee pads, and wrist guards are strongly recommended. Skaters shall yield to other pedestrian, vehicular traffic and use sidewalks whenever possible. Skating is permitted along the jogging path around the golf course and in open parking lots. Skaters should wear light colored clothing during the day and reflective clothing at night.

2013. DRIVING UNDER THE INFLUENCE

1. General. No person shall operate or be in actual physical control of a motor vehicle while under the influence of alcohol or drugs. Persons are presumed to be under the influence of alcohol if their blood alcohol content is 0.08 percent or more. A blood alcohol content of 0.05 percent or more but less than 0.08 percent will not give rise to a presumption that a person is or is not under the influence of alcohol. The fact may, however, be considered with other competent evidence in determining whether a person is under the influence of alcohol or drugs.

2. Implied Consent to Blood Alcohol Content Testing. Persons accepting installation driving privileges are deemed to have given their consent to evidential testing for alcohol or drug contents of their blood, breath, and/or urine if lawfully stopped, apprehended or cited for any offense allegedly committed while driving or in actual physical control of a motor vehicle on MCAS Miramar while under the influence of intoxicants. Per references (d) and (f), the following procedures apply:

a. Chemical tests for blood/drug content shall be administered by a Military Policeman incidental to a lawful apprehension, stop, or citation of any offense allegedly committed while driving or in actual physical control of a motor vehicle when there is reasonable suspicion that the operator is under the influence of alcohol or drugs.

b. When determined that such test is necessary, suspects shall be advised that they have the choice of a blood or breath test to determine blood alcohol content. If drug usage is suspected the Military Policeman may, per reference (d), require the suspect to submit to a urine test. If the chosen test is unavailable, the suspect will be given the choice of the remaining test.

c. Suspects who are unconscious, or otherwise in a condition rendering them incapable of refusal are deemed not to have withdrawn consent and a blood sample will be drawn for testing.

d. Suspects do not have the right to talk to an attorney or have an attorney present before submitting to a test or during the administration of the test.

e. Once the test commences, it must be completed. A change of mind and request for a different test is tantamount to a refusal to submit.

f. Once advised of the implied consent law, suspects must immediately choose which test to take. Persons, who willfully refuse to submit, fails to complete the test, or who cause an unreasonable delay in the administration of the test, will be processed for refusal to submit to a chemical test.

3. Referral for Evaluation/Treatment. The Provost Marshal will forward a copy of all violation reports on Military and DoD civilian employees apprehended for intoxicated driving to the Consolidated Substance Abuse Center. Per references (c) and (e), the following procedures are mandatory for all persons apprehended for intoxicated driving, on or off the installation:

a. Refer active duty personnel for interview and evaluation by a substance abuse counselor within ten days.

b. Refer DoD civilian employees working on MCAS Miramar to the Employee Assistance Program.

c. Provide military family members with assistance as prescribed in reference (e).

4. Reciprocal State/Military Action

a. The Provost Marshal will notify the State of California DMV and the DMV in the state where the individual is licensed following

the final adjudication, at a courts martial, of an intoxicated driving offense or for refusal to submit to a chemical test to determine blood/drug content.

b. When any state authority suspends or revokes an individuals drivers license, their driving privileges will be suspended or revoked for the same period of time.

2014. TRAFFIC VIOLATION NOTICES. Traffic violators on the installation will be issued either a DD Form 1408 (Armed Forces Traffic Ticket) or a DD Form 1805 (United States District Court Violation Notice). As a general rule, active duty personnel, military family members, and DoD civilian employees will be issued the DD Form 1408. DD Form 1805 may be issued to all civilians without DoD affiliation, retirees, active duty personnel who are within 30 days of discharge, reservists, repeat/habitual offenders, or serious offenses as determined by the Provost Marshal.

1. DD Form 1408. Military Police personnel are authorized to issue this citation to active duty military personnel, military family members, and DoD civilian personnel, for all violations occurring aboard MCAS Miramar, and to drivers of government vehicles on or off station. Members of the Structural Fire Protection Division are authorized to issue 1408 citations for illegally parked vehicles in fire lanes and for throwing lighted material from vehicles. The DD Form 1408 will be completed in triplicate. Distribution of the copies are as follows:

a. The white copy is forwarded to the PMO Traffic Board Clerk for processing.

b. The yellow copy is maintained by the issuing Military Police.

c. The pink copy is given to the violator. If the violator refuses to accept/sign the citation, it will be annotated in the remarks section. The pink copy will then be attached to the white copy.

2. DD Form 1805. United States District Court Violation Notice, DD Form 1805, directs violators to appear before an U.S. Magistrate Judge at a specific time. This notice will be filled out in triplicate by on duty Military Police personnel only, and is normally issued to personnel who have no direct connection with the DoD, habitual offenders, retirees, active duty members who are

within 30 days of discharge, reservists, or serious offenses. DD 1805's will not be issued to operators of government vehicles or violations committed in proprietary jurisdiction unless there is a violation of United States Code (USC). Administration, processing, and adjudication of this citation are covered in Chapter 3 of this Manual. Distribution of the notice are as follows:

- a. The white copy is returned to the PMO Traffic Board Clerk for transmittal to the Central Violations Bureau.
- b. The yellow copy is forwarded to the SJA Office.
- c. The manila card stock copy is given to the violator, or if a parking violation, placed on the vehicle.

2015. TRAFFIC BOARD

1. General. Traffic board functions are under the staff cognizance of the Staff Judge Advocate (SJA), MCAS Miramar. Board hearings are conducted at the time and location determined by the SJA. All military personnel appearing before the Traffic Board will be in the uniform of the day. Civilian personnel will be in appropriate civilian attire. Findings of the Traffic Board are administrative in nature, not punitive, consequently rules of evidence pursuant to military jurisprudence do not apply. Administrative actions taken by the Traffic Board do not preclude trial by courts martial, Article 15, or other administrative or disciplinary actions available to commanders or civilian supervisors.

2. Applicability. All active duty military personnel, military family members, and DoD civilian personnel are subject to the rulings of the Traffic Board.

3. Traffic Board Officer. The Commanding General, MCAS Miramar will appoint two Traffic Board Officers. Persons of a grade higher than the Traffic Board Officer presiding over the Traffic Board on the scheduled hearing date, shall appear before the Station Inspector for disposition of their case.

4. Traffic Board Clerk. A Traffic Board Clerk is designated by the Provost Marshal to record the actions of the Traffic Board, distribution, and to perform other administrative and clerical functions as required by the Traffic Board Officer.

5. Traffic Board Appearance/Plea. Individuals who are issued a DD Form 1408 traffic citation will, be given a traffic board appearance date. Those individuals wishing to plead guilty for non-mandatory appearances, may do so via phone prior to the assigned traffic board appearance date. The Traffic Board Clerk, upon receiving a guilty plea, will assess the appropriate number of point to their station driving record. Those individuals wishing to contest their citation will appear before the Traffic Board.

6. Failure to Appear

a. Failure to appear before the Traffic Board for a non-mandatory appearance will constitute a plea of guilty. The maximum number of allowable points will be assessed against their driving record and a notification will be sent to the person's Commanding Officer or civilian supervisor notifying them of the failure to appear.

b. Failure to appear before the Traffic Board for a mandatory appearance will result in the temporary suspension of station driving privileges until such time the offender appears before the Traffic Board and is adjudicated. The Traffic Board Clerk will publish a weekly roster of all personnel who have failed to appear and have been placed on temporary suspension.

7. Respondent Rights. Every contested case will be fully and fairly heard. Individuals contesting a traffic citation will have the opportunity to cross-examine witnesses, present evidence in their behalf, and make statements relevant to the circumstances of their case and its disposition. Legal counsel may appear with the respondent, however, such counsel must be provided by the respondent at no cost to the government.

8. Administrative Authority. Authorized administrative actions available to the Traffic Board Officer are limited to:

a. Dismissal of the charges.

b. Assessment of points per the current edition of reference (c) and Table 2-1 of this Manual.

c. Suspension or revocation of Station driving privileges per reference (c) and Table 2-2 of this Manual.

d. Suspension of driving privileges with probation.

e. Referral to Commanding Officer/civilian supervisor for appropriate disciplinary action.

f. Continuance of the hearing until a later date.

9. Parking Violations. Parking violations do not require an appearance before the Traffic Board. Individuals wishing to contest a parking citation may do so at the Traffic Board after contacting the Traffic Board Clerk for assignment of a board date. Points will be assessed against driving records for parking violations as specified in Table 2-1. Driving privileges may be suspended for up to six months for parking violations, as specified in Table 2-2.

10. Defective Vehicle Violations. These violations require the individual to correct deficiencies and show proof of the correction within five working days or request an extension. Failure to comply will result in a mandatory Traffic Board appearance and assessment of points against the individual's driving record as indicated in Table 2-1. Failure to correct the deficiency by the scheduled board date or failure to appear will result in the temporary suspension of Station driving privileges.

11. Appeals. Individuals whose driving privileges have been suspended or revoked, or who have received an assessment of points and considers the decision of the Traffic Board Officer to be unjust or disproportionate to the offense committed, may appeal the matter via the chain of command and the Provost Marshal to the Commanding General (Attn: Staff Judge Advocate). Appeals must be in writing and submitted to PMO within 10 working days after appearance before the Traffic Board. Except in unusual circumstances, an appeal not received within 10 working days may be summarily denied by the Commanding General. Suspensions and revocations remain in effect pending resolution of appeals. The Provost Marshal shall provide information by forwarding endorsement to provide a fair and expeditious resolution of the appeal and will append a copy of the Traffic Board Officer's summary of the hearing.

2016. TRAFFIC POINT SYSTEM

1. Purpose. The traffic point system provides a uniform administrative device to impartially judge driving performance of personnel driving on the station. This system is not a disciplinary measure or a substitute for punitive action. Per reference (c), points will be assessed as indicated in Table 2-1.

2. Applicability. The point system contained in Table 2-1 applies to everyone granted the privilege of operating a motor vehicle on MCAS Miramar, as described in paragraph 2015.2, and to all operators of government vehicles cited for traffic violations on or off the station.

3. Action

a. Traffic Board Clerk. When an individual accumulates six points within a six month period, the Traffic Board Clerk will prepare an advisory letter for the Traffic Board Officer's signature to be sent to the individual's Commanding Officer or supervisor, if civilian.

b. Commanding Officers/Supervisors. Upon receipt of the advisory letter, ensure that counseling or a driver improvement interview is conducted. This process should result in recommendations designed to improve driver performance, such as:

(1) Attendance at Remedial Driver training following the identification of the individual as a problem driver, or whenever a commander concludes that such treatment may improve performance.

(2) Referral for medical evaluation when an individual, based on reasonable belief has mental or physical limitations which have had or may have an adverse effect on driving performance.

(3) Referral to an alcohol or drug treatment facility for evaluation, counseling, or treatment. This action is mandatory for active duty military personnel in all cases in which alcohol or drugs are a contributing factor to a traffic citation, incident, or accident.

c. Accumulation of Points. Points assessed against a person's driving record per Table 2-1 will remain in effect for point accumulation purposes for 24 consecutive months. Upon completion of a revocation based on accumulation of points, all points assessed prior to the revocation will be removed from the driving record.

d. Driving Record Entries. Removal of points does not authorize removal of driving record entries for moving violations, chargeable accidents, suspensions, or revocations. Record entries will remain posted in individual driving records for the period of time indicated below:

- (1) Chargeable non-fatal traffic accidents or moving violations - three years.
- (2) Non-mandatory suspensions or revocations - five years.
- (3) Mandatory revocations - seven years.

2017. WITHDRAWAL OF DRIVING PRIVILEGES

1. General. The privilege of driving a vehicle on a military installation is subject to administrative termination or restriction. The termination of vehicle registration, removal of DoD decal, is inherent to revocation of driving privileges and requires application for reregistration upon completion of the specified period of revocation. The Traffic Board Officer will, for cause, administratively suspend or revoke station driving privileges of active duty military personnel, military family members, and DoD civilian personnel involved in drug and alcohol related driving incidents regardless of the geographic location of the incident.

a. Once driving privileges are suspended/revoked, the individual will remove their vehicles from the station. The off station vehicle storage/parking is the only authorized area where they can park their vehicles during the suspended period.

b. Commanding Officers may authorize Marines whose driving privileges were suspended/revoked to operate a Government vehicle in the official performance of their duties, providing that their state drivers license is not also suspended/revoked.

2. Temporary Suspension of Driving Privileges. Per reference (c), individuals subject to this Manual will have their station driving privileges temporarily suspended if apprehended for driving under the influence of alcohol or drugs either on or off station, or for failing to report for mandatory Traffic Board appearances. This suspension is temporary, pending resolution of the offense at the Traffic Board or the appropriate civilian court. Operation of a motor vehicle aboard the station during the time of suspension shall result in a two year revocation of station driving privileges. Upon request, a preliminary hearing may be afforded to individuals who receive a temporary suspension.

3. Suspension of Driving Privileges. Driving privileges are usually suspended when other measures have failed to improve driver performance. The suspension may be for a period up to six months and driving privileges are automatically restored after the suspension period expires.

4. Revocation of Driving Privileges. The revocation of driving privileges is a severe administrative measure that is invoked for serious moving violations or when other available corrective actions failed to produce the desired results. Revocation of driving privileges is for a specified period, but never less than six months, applies to all military installations, and remains in effect upon reassignment. See Table 2-2 for mandatory and discretionary revocations.

5. Restricted Driving Privileges. The Commanding General may modify a suspension or revocation of driving privileges when warranted. Restricted driving privileges or probation is granted on a case-by-case basis, provided the state license remains valid, to accommodate the following circumstances:

a. Mission requirements.

b. Unusual personal or family hardships.

c. Delays exceeding 90 days, not attributed to the person concerned, in the formal disposition of charges that are the basis for any type of suspension or revocation.

d. When there is no reasonably available alternate means of transportation to official assigned duties.

6. Probation. In lieu of a suspension of driving privileges, a driver may be placed on probation. During the probationary period, the individual is allowed to continue to drive. If the individual is involved in a chargeable accident or moving violation during the probationary period, the original period of suspension will be activated in its entirety, to commence from the date of the violation of probation.

2018. REQUEST FOR REINSTATEMENT/RESTRICTED DRIVING PRIVILEGES

1. General. Requests for reinstatement/restricted driving privileges will be submitted in writing to the Commanding

General (Attn: Staff Judge Advocate) via the chain of command and the Provost Marshal. Persons who refuse to submit or fail to complete chemical testing for blood alcohol content (BAC), when apprehended for driving under the influence, or are convicted of driving under the influence, are not eligible for reinstatement of full or restricted driving privileges unless an alcohol education and treatment program and remedial drivers training course are successfully completed.

2. Restricted Driving Privileges. Requests will contain a detailed statement of the extraordinary circumstances justifying special consideration. Commanding Officers will include an assessment of the impact on the military mission that the revocation or suspension has, or is likely to have. Individuals who violate restricted driving privileges are subject to revocation of driving privileges for an additional two years. All personnel applying for restricted driving privileges will complete a remedial drivers course and submit proof of attendance with the request.

3. Reinstatement of Driving Privileges. All personnel applying for reinstatement of driving privileges will complete a remedial drivers course and submit proof of attendance with the request.

2019. ADMINISTRATIVE DUE PROCESS

1. For offenses other than driving under the influence, suspension or revocation of the installation driving privileges will not become effective until the effected person has appeared before an administrative hearing conducted by the Traffic Board Officer. If, as a result of the hearing, a determination is made to suspend or revoke the effected person's driving privileges, the Traffic Board Officer will, at the conclusion of the hearing, issue a letter of notification of suspension or revocation to the effected person. The person whose privileges are suspended or revoked will then sign for receipt of the letter. If the person refuses to sign for the letter, the Traffic Board Clerk will annotate this on the file copy. The suspension/revocation becomes effective immediately upon receipt of the letter. A person whose privileges are suspended or revoked has the right of appeal or request reconsideration as specified in paragraph 2019.2 below.

2. Appeal hearings conducted on suspension actions under paragraph 2017.1 for driving under the influence will cover only the pertinent issues of whether:

- a. The law enforcement official had reasonable grounds to believe the person is driving or in actual physical control of a motor vehicle while under the influence of alcohol or drugs.
- b. The person was lawfully stopped, cited, or apprehended.
- c. The person was lawfully requested to submit to a test for alcohol or drug content of blood, breath, or urine and was informed of the consequences of refusal to take or complete such test.
- d. The person refused to submit to the test for alcohol or drug content of blood, breath, or urine; failed to complete the test; or submitted to the test and the result was 0.08 percent or higher blood alcohol content; or the person's actions indicated a lack of motor skills clearly showing the presence of other drugs and an ability to operate a motor vehicle.
- e. The testing methods used were valid and the results accurately evaluated.

2020. IMPOUNDING VEHICLES

1. Implied Consent to Impoundment. All persons entering MCAS Miramar are deemed to have given their consent for the removal and temporary impoundment of their POV when it is illegally parked for unreasonable periods, interfering with operations, creating a safety hazard, disabled by accident, left unattended in a restricted or controlled area, or abandoned. Such persons further agree to reimburse the United States or appropriate civilian contracted towing agency for the cost of towing and storage should their vehicle be removed or impounded. The Provost Marshal will determine existence of the conditions described above.
2. Abandoned Vehicles. Vehicles are considered abandoned when the owner voluntarily relinquishes possession of the vehicle with the intent of terminating ownership, or when ownership of a vehicle cannot be determined by a computer registration check and it has been unattended without authorization anywhere on the Station for more than 72 hours.
3. Towing. The towing of vehicles aboard MCAS Miramar will be accomplished by government wrecker, or civilian contracted towing agencies depending on the reason the vehicle is being towed.

4. Emergency/Immediate Towing

a. Vehicles will be towed immediately when:

- (1) Parked in a fire lane or safety zone.
- (2) Parked in areas that pose a security risk to the station.
- (3) Obstructing traffic.
- (4) Interfering with emergency vehicle traffic or equipment.
- (5) Parked in pre-posted temporary no parking areas, e.g., road construction.
- (6) The operator is driving while their base or state driving privileges are suspended or revoked, or is driving under the influence of alcohol or drugs. The vehicle will not be towed if the Marine has military family members in the local area and it is the only means of transportation.
- (7) The operator is injured or too ill to continue to operate the motor vehicle and no one else is available to move the vehicle.
- (8) The vehicle poses a safety or environmental hazard.

b. Vehicles will be towed immediately by government wrecker to the PMO Evidence lot when:

- (1) They are determined by a registration check to be stolen.
- (2) There is probable cause to believe that such vehicles or their contents may have been instruments of crimes.
- (3) They are involved in a serious motor vehicle accident and classified as criminal evidence.

5. Three Day Towing

a. Vehicles in the below listed categories will be tagged by Military Police and will be subject to towing three days thereafter:

(1) Illegally parked vehicles except as described in paragraph 2020 above.

(2) Vehicles possessing expired base or state registration.

(3) Recreational vehicles, trailers, boats, motor homes, campers, and busses parked overnight unless they are the primary means of transportation. Storage of these types of vehicles may be coordinated with the Marine Corps Community Services.

b. Vehicles tagged by Military Police are subject to towing three days thereafter by government wrecker to the PMO Impound lot when they are determined to be abandoned.

6. Procedures for Impoundment

a. Except for those circumstances described in paragraph 2020.4 above, Military Police will conspicuously tag unattended vehicles with DD Form 2504 (Abandoned Vehicle Notice).

b. The owner will be allowed three days from the date the vehicle is tagged to remove the vehicle before impoundment action is initiated. If the vehicle has not been removed after three days, it will be towed.

c. A DD Form 2506 (Vehicle Impound Report) will be completed by Military Police personnel as a record of the action taken on any impounded vehicle.

d. Personal property found inside the vehicle will be inventoried and held until officially claimed by the owner.

7. Disposition of Vehicles After Impoundment

a. Once a vehicle is impounded and towed to the PMO impound lot, PMO will conduct a diligent effort to ascertain the owners or their heirs, next of kin or legal representative, and a lost and found notice will be placed in the Flight Jacket for three consecutive issues listing the vehicle held and the proposed disposal date.

b. If the owner can be located, a DD Form 2507 (Notice of Vehicle Impoundment) will be forwarded by certified mail to the address of the last known owner of the vehicle. The form will advise the owner of the impoundment action, the time, date, and place of intended sale or other disposal action, and request information concerning the owner's intentions pertaining to the disposition of the vehicle.

c. If the owner cannot be found or if the vehicle is unclaimed after 45 days from the date the notification was mailed to the last known owner, or the owner released the vehicle by properly completing DD Form 2505, the vehicle will be disposed of by one of the following procedures:

(1) Release to the lien holder, if known.

(2) Processed as abandoned property per DoD 4160.21.

8. Appeals Procedure. Should a registered owner of a vehicle contend that their vehicle was towed, impounded, or improperly stored, they may submit a written appeal within ten working days of receipt of the notification of status of their vehicle. The below listed procedures will be followed:

a. The registered owner will submit a written appeal to the Staff Judge Advocate (SJA), detailing the circumstances of the appeal and attach any supporting evidence.

b. If required the SJA may request the Provost Marshal to conduct an inquiry.

c. The Provost Marshal will conduct an informal inquiry into the circumstances of the towing, impounding, or storing and make a recommendation within ten working days, upon receipt of the appeal to the SJA, on whether the procedures for the towing, impounding, or storing were conducted in accordance with this Manual.

d. Upon receipt of the Provost Marshal recommendations, the SJA will make a finding and convey the finding to the registered owner and provide information concerning the filing of a claim against the government, if appropriate.

9. Responsibility of Supply Officer. Establish appropriate procedures for the disposition of vehicles turned over to Supply by PMO via DD Form 1428.1.

10. Responsibility of Commanding Officers. Establish adequate control procedures to ensure that personnel who receive permanent change of station orders physically check out with PMO.

11. Recovery of Towed/Impounded Vehicles. The owner, heir, next of kin, or legal representative may claim a vehicle at any time prior to disposition. If the vehicle is claimed by anyone other than the owner, the transmittal letter shall contain the following statement: "The action of this Station in transmitting the property does not vest title in the recipient. Such property is forwarded to you to be retained or disposed of as custodian, per the laws of the state of the owner's residence."

2021. EMERGENCY VEHICLES

1. Drivers of authorized emergency vehicle will:

a. Complete the emergency vehicle operators course.

b. Avoid unnecessary use of sirens or red lights.

c. Obey established speed regulations except that Military Police and other emergency vehicles may exceed the established speed limits, within reasonable limits, in pursuit of law violators or when answering an alarm of extreme emergency.

d. Obey all other traffic regulations, with the exception of:

(1) Park in any location when required or essential to their mission.

(2) Proceed cautiously through red lights or stop signs, and make unauthorized turns, provided the vehicle is under control and does not endanger life or property.

2. The use of red lights and siren does not ensure that other vehicles will yield the right-of-way, and every precautionary measure be taken when they are used.

3. The provisions of this paragraph will in no way protect or exonerate drivers guilty of reckless disregard for the safety of others.

LAW ENFORCEMENT REGULATIONS

TABLE 2-1

POINT ASSESMENT FOR TRAFFIC VIOLATIONS

(Note 1 Applies to all Violations)

<u>Violation</u>	<u>Points</u>
1. Reckless driving (willful and wanton disregard for safety of persons or property).	6
2. Owner knowingly and willfully permitting a physically impaired person to operate the owner's vehicle.	6
3. Fleeing the scene of an accident (hit and run) - property damage only.	6
4. Driving while impaired (blood alcohol content more than 0.05 percent but less than 0.08 percent).	6
5. Speed contest.	6
6. Speed too fast for conditions.	2
7. Speed too slow, causing potential safety hazard.	2
8. Failure of operator or occupants to use available restraint system devices while moving. (See Notes 3 and 4)	2
9. Failure to properly restrain children in a child restraint system while moving.	2
10. 1 to 10 miles per hour above posted speed limit.	3
11. 11 to 15 miles per hour above posted speed limit.	4
12. 16 to 20 miles per hour above posted speed limit.	5
13. 21 or more miles per hour above posted speed limit.	6
14. Following too close.	4

LAW ENFORCEMENT REGULATIONS

<u>Violation</u>	<u>Points</u>
15. Failure to yield right of way to emergency vehicles.	4
16. Failure to stop for a school bus or school crossing signal.	4
17. Failure to obey traffic signals or traffic instructions of an enforcement officer or traffic warden; or any official regulatory traffic sign or device requiring a full stop or yield the right-of-way, denying entry; or requiring direction of traffic.	4
18. Improper passing.	4
19. Failure to yield right-of-way (No official sign involved)	4
20. Improper turning movements (No official sign involved)	3
21. Wearing of headphones/earphones while driving motor vehicles including motorcycles.	3
22. Failure to wear approved helmet and/or reflective vest while operating or riding a motorcycle, moped, or three or four wheeled vehicle, powered by a motorcycle-like engine.	3
23. Improper overtaking.	3
24. Other moving violations. (Involving driver behavior only)	3
25. Operating an unsafe vehicle. (See Note 2)	2
26. Driver involved in accident is deemed responsible (Only added to points assessed for specific offenses)	1
27. Parking in a fire lane, fire zone, next to a fire hydrant, or a handicap zone.	3

LAW ENFORCEMENT REGULATIONS

<u>Violation</u>	<u>Points</u>
28. All other parking violations.	2
29. Exhibition of speed-intentionally spinning wheels, careless driving, and excessive acceleration.	4
30. Driving in a restricted area.	4
31. Driving off of the designated hard surface roads (off roading).	4
32. Littering from a vehicle.	3
33. Overloading passengers or improper placement of passengers.	3
34. Unattended child(ren) (Points are separate from any other charge)	3
35. Wearing improper clothing (Failure to wear the required clothing while operating a motorcycle).	3

NOTE: 1. When two or more violations are committed on a single Occasion, the points assessed will be for the offense Having the greater value.

2. This measure should be used for other than minor vehicle safety defects or when a driver or registrant fails to correct a minor defect.

3. The operator of the vehicle will be issued the citation if the passenger(s) not wearing the safety restraint are not licensed drivers. In the event the passenger(s) are licensed drivers they will be issued the citation.

4. In compliance with ALMAR 008/99 and the Commander, Marine Corps Air Bases Western Area; additional violations will result in suspension of driving privileges. See Table 2-2 for mandatory suspension periods.

LAW ENFORCEMENT REGULATIONS

TABLE 2-2

SUSPENSION/REVOCATION OF DRIVING PRIVILEGES

(Notes 1 and 2 Apply to all Violations)

<u>Violation</u>	<u>Suspension/Revocation</u>
1. Driving while driver's license or installation driving privileges are suspended/revoked.	Revoke, two years, mandatory
2. Driving in violation of restricted privileges.	Revoke, one year, Mandatory
3. Manslaughter or negligent homicide by vehicle resulting from the operation of a motor Vehicle.	Revoke, one year, mandatory
4. Driving a motor vehicle while under the influence of any narcotic or while under the influence of any other drug (including alcohol) to a degree rendering the driver incapable of safe vehicle operation.	Revoke, one year, mandatory
5. Use of a motor vehicle in the commission of a felony.	Revoke, one year, Mandatory
6. Fleeing the scene of an accident resulting in death or personal injury.	Revoke, one year, mandatory
7. Perjury or making false statement of affidavit under oath to responsible officials relating to the ownership or operation of motor vehicle.	Revoke, one year, mandatory
8. Unauthorized use of a motor vehicle belonging to another, when the act does not amount to a felony.	Revoke, one year, mandatory

LAW ENFORCEMENT REGULATIONS

<u>Violation</u>	<u>Suspension/Revocation</u>
9. Driving or being in actual physical control of a motor vehicle while under the influence of alcohol (0.08% blood alcohol content or greater). This is to include all such offenses that occur in civilian jurisdiction.	Revoke, one year, mandatory
10. Refusal to submit to or failure to complete a chemical test to determine BAC.	Revoke, one year, Mandatory
11. Operating a motor vehicle while in possession of an illegal weapon which is in the driver's reach.	Revoke, one year mandatory
12. Assessment of 12 or more points in a 12 month period or 18 points in a 24 month period.	Suspension not more than six months or revocation no more than one year, discretionary
13. Mental or physical impairment (not including alcohol or other drug use) to the degree rendered incompetent to drive.	Suspension not more than six months or revocation more than one year, discretionary
14. Commission of an offense in another jurisdiction which if committed on the installation would be grounds for suspension or revocation.	Suspension not more than six months or revocation more than one year, discretionary
15. Permitting an unlawful fraudulent use of a valid driver's license.	Suspension not more than six months or revocation more than one year, discretionary
16. Conviction of fleeing or attempting to elude a police officer.	Suspension not more than six months or revocation more than one year, discretionary

LAW ENFORCEMENT REGULATIONS

Violation

Suspension/Revocation

17. Conviction of racing on the highway.

Suspension not more than six months or revocation more than one year, discretionary

18. Illegal transference of a vehicle decal from one vehicle to another, failure to de-register a vehicle.

Suspension not more than six months or revocation more than one year, discretionary

19. Operating a motor vehicle while in possession of an illegal weapon which is not in the driver's reach.

Suspension not more than six months or revocation more than one year, discretionary

20. Driving without a valid drivers license.

Suspension for one month or until proof of possession is shown, whichever is longer

21. Driving without a valid state registration.

Suspension for one month or until proof of possession is shown, whichever is longer

22. Driving without a valid Station registration.

Suspension for one month or until proof of possession is shown, whichever is longer

23. Driving without required insurance.

Suspension for one month or until proof of possession is shown, whichever is longer

LAW ENFORCEMENT REGULATIONS

<u>Violation</u>	<u>Suspension/Revocation</u>
24. Operating a motor vehicle at speeds in excess of 75 miles per hour.	Suspension three months
25. Fraudulent use of a drivers license.	Suspension three months
26. Operating a motor vehicle while in possession of an open container of alcohol.	Suspension three months
27. Operating a vehicle at speeds over 30 miles per hour above the posted speed limits.	Suspension three months
28. Failure to wear safety restraint device. (Second offense)	Suspension three months
29. Failure to wear safety restraint device. (Third offense)	Suspension six months

- NOTE:
1. When imposing a suspension or revocation because of an off-station offense, the effective date will be the same as the date of civil conviction, or the date that state driving privileges are suspended or revoked. The effective date can be retroactive.
 2. No points are assessed for revocation or suspension actions. Except for implied consent violations, revocations must be based on a conviction by a civilian court or courts martial, non judicial punishment under Article 15, or a separate hearing by the Traffic Board Officer. If revocation for implied consent is combined with another revocation, such as one year for intoxicated driving, revocations will run concurrently (total of 12 months).
 3. If the Marine is single and residing on station they must not maintain and or park the vehicle on the station for the period of the suspension/revocation.
 4. If the Marine is single and residing on station they must park the vehicle in the deployed parking lot at Camp Elliott for the duration of the suspension.

LAW ENFORCEMENT REGULATIONS

CHAPTER 3

FEDERAL MAGISTRATES ACT

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LAW ENFORCEMENT REGULATION

CHAPTER 3

FEDERAL MAGISTRATES ACT

3000. GENERAL. The Federal Magistrates Act was enacted by Congress to reform the first echelon of the federal judiciary into a more effective component of a modern scheme of justice. U.S. magistrates are appointed by the judge of each U.S. District Court and, in general, have jurisdiction over minor (non-felony) offenses committed on federal installations. Reference (g) provides guidance for the implementation of the Federal Magistrates Act, and is the basis for this chapter.

3001. POLICY

1. At MCAS Miramar, the U.S. Magistrate will be used to the maximum extent practical in the disposition of minor offenses. Referral of cases to the U.S. Magistrate will be by means of the DD Form 1805.

2. The DD Form 1805 will be issued to those personnel who have no direct affiliation with DoD, retirees, active duty personnel who are within 30 days of their end of active service (EAS), reservists, habitual offenders, or for serious offenses such as driving under the influence, reckless driving, or driving on a state suspended or revoked license.

3002. MAGISTRATE JURISDICTION. The jurisdiction and procedures of U.S. federal Magistrate, are:

1. U.S. Magistrates may try only violations of federal law, including assimilated state criminal laws. U.S. Magistrate citations will be issued only when a violation of Station safety, traffic, or protective regulations also constitute a violation of federal law or state law which is applicable at MCAS Miramar, under Title 18, USC 13.

2. Included are violations of state law, which have been assimilated pursuant to the Assimilated Crimes Act, Title 18, USC 13. Excluded from the U.S. Magistrate jurisdiction are violations of DoD, Marine Corps, or Station regulations of a traffic nature.

3. Any U.S. Magistrate specially designated for that purpose by an appointing court has jurisdiction to try and sentence persons committing misdemeanors in any place within the judicial district for which such U.S. Magistrate was appointed.

4. Any person charged with a minor offense may elect to be tried before a judge of the district court where the offense was committed. The U.S. Magistrate shall explain to defendants their right to trial before a district judge, or judge and jury. The U.S. Magistrate shall not try the case unless the defendant signs the written consent to trial by magistrate form (see figure 3-1).

5. In cases of conviction by the U.S. Magistrate, an appeal may be taken to the judge of the district court where the offense was committed.

3003. OBJECTIVE AND OPERATION OF THE MAGISTRATE SYSTEM

1. The U.S. Magistrate System provides a means by which the military can use the U.S. District Courts and magistrates to process and dispose of minor offenses. Preset fines are established for the bulk of minor offenses that permit persons charged with such violations, and who neither contest the charge nor wish to have a court hearing, to pay their fines by mail.

2. Certain misdemeanors are excluded from the mail-in fine procedure and require mandatory court appearances. Additionally, defendants may request a court appearance when charged with any misdemeanor.

3004. ACTION

1. The Station Staff Judge Advocate (SJA) is responsible for effecting appropriate liaison with the local U.S. Magistrate.

2. The Station SJA will provide a Special Assistant to the U.S. Attorney (SAUSA).

3. The DD Form 1805 is the only form authorized for use when referring offenses to an U.S. Magistrate.

4. The Provost Marshal is responsible for issuance, control and filing of the DD Forms 1805.

5. The Provost Marshal will forward all DD Form 1805's to the Central Violations Bureau, P.O. Box 740026, Atlanta, Georgia 30374-0026, for referral to the magistrate court.

6. All Military Police will be knowledgeable of the operation of the Federal Magistrate Act and the policies and procedures of the local federal district court and U.S. Magistrate.

LAW ENFORCEMENT REGULATION

UNITED STATES DISTRICT COURT

FOR THE
(Insert location of court)

Magistrate's Docket No. _____
Case NO. _____

UNITED STATES OF
AMERICA
V.

CONSENT TO BE TRIED BY
UNITED STATES MAGISTRATE

I, _____ charged with _____

(insert brief description of offense)

a misdemeanor against the laws of the United States on a Federal
Reservation, in the _____ Division of the _____
District of _____ appearing before _____
United States Magistrate, who has fully apprised me of my right
to elect to be tried before a judge of the United States
District Court which has jurisdiction of the offense, and
explained to me the consequences of this consent, do hereby
waive my right to trial, judgement and sentencing by a judge of
the United States District Court, and do hereby consent to be
prosecuted before the magistrate on the charge herein above
stated, as authorized by Title 18, United States Code, Section
3401.

Dated: _____, 20__

(Witness)

(Defendant)

Figure 3-1. Written Consent to Trial by Magistrate Form

LAW ENFORCEMENT REGULATIONS

CHAPTER 4

INGRESS AND EGRESS

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LAW ENFORCEMENT REGULATIONS

CHAPTER 4

INGRESS AND EGRESS

4000. GENERAL. All persons entering or leaving MCAS Miramar will do so at gates that are open and manned by Military Police personnel. Gate locations and hours of operation are determined, posted, and published by the Provost Marshal, with the approval of the Commanding General, MCAS Miramar.

4001. REQUIREMENT FOR IDENTIFICATION. Per reference (c), all individuals attempting to gain entry to the Station must present proof of personal identification, vehicle registration, valid drivers license and insurance upon request by Military Police. Nothing, in these or other regulations, shall be construed as depriving the Military Police of the right to request proof of identification, or as relieving any individual of the responsibility to obey such request.

1. Responsibility for Identification. It is the responsibility of the person authorized access to the Station, and who is traveling in a vehicle transporting other persons on the Station, to ensure that such persons are eligible to enter the Station.

2. Required Identification

a. Military. Active duty, retired, and military family members will present a, valid AFID card per reference (c).

b. Civilian Employees. Civilian employees working aboard the Station will present an U.S. Government Identification Card.

4002. COMMERCIAL TRADESMEN. Military Police will verify the necessity and authority for commercial tradesmen to access the Station by inspecting their bills of lading or manifests. If this documentation is not available, Military Police will determine the destination of the tradesmen and call to verify that they are expected. Once cleared to enter the station, the tradesmen will be authorized access and no passes for the vehicle or person are required. If at any time a commercial tradesman departs from the

role of cartage delivery by attempting to solicit business, they will automatically be classified as a solicitor and must comply with Chapter 6 of this Manual. Violations will be dealt with summarily and offenders may be subject to permanent revocation of base entry privileges.

4003. AGENTS IDENTIFICATION. Agents who are authorized to conduct business aboard the Station are required to check-in at the PMO Visitor Control Booth when coming aboard. To facilitate access to the station, sponsoring activities shall provide the agent's name, destination, date and estimated time of arrival to the PMO operations section. In cases where prior notification has not been provided, PMO will verify agent sponsorship prior to authorizing access to the station. Approved agents will be issued a 1-day pass for identification while aboard the Station.

4004. SOLICITOR IDENTIFICATION. Solicitors who wish to conduct business aboard the Station must be cleared through SJA and PMO. Policy regarding solicitor access and conduct aboard the Station is discussed in Chapter 6.

4005. VISITORS. Any person not covered in the above paragraphs are classified as visitors. All visitors are required to have an official military sponsor prior to being granted access aboard the station.

1. General Public. Casual visiting or sightseeing is not permitted except on those occasions specifically authorized by the Commanding General.

2. Golf Course Events. The station golf course sponsors numerous events at which many guests from the local community are invited. The golf course and other sponsoring activities will provide prior notification of these events to PMO.

3. Guests of Station Personnel

a. Sponsored Visitor

(1) Between the hours of 0500 and 2300, guests of are authorized unescorted access to their destination, only after presenting proof of vehicle registration, valid drivers license and insurance. Sponsors are responsible for their visitors at all

times while aboard the Station. At no time will sponsors allow unescorted travel by their visitors except travel to and from the point of entry.

(2) Between the hours of 2300 and 0500, military personnel or their family members are required to meet their guests at the gate and escort them to their destination.

b. Special Events. Military members hosting special events aboard the Station, (e.g. receptions, parties) are required to submit a letter to the PMO (Attn: Operations Officer) which will include the date, time and location of the event. The letter will contain a roster of nonmilitary affiliated guests. Sponsors of special events are responsible to brief all guests on the requirements for operating a motor vehicle aboard the Station.

4. Labor Representatives. Accredited labor union representatives desiring entrance to the Station must be sponsored by Public Works or the Human Resource Office. After verification of sponsorship, the Visitor Control Booth will issue labor representatives a "One Day Visitor Pass." Labor representatives will only be allowed aboard the Station under the following circumstances:

a. Visit the Commanding General or a representative to discuss or resolve matters of mutual concern relating to union members of contractor's organizations.

b. Visit contractors or their representatives and union stewards of contractor's employees to discuss and review conditions of employment, grievances, and related matters within collective bargaining agreements involving contractor's employees.

c. Visit individual employees of contractors, provided the number of contractor employees are so few in number, a union steward of contractor employees has not been appointed and where discussion and review of matters within the collective bargaining process could not otherwise be accomplished.

5. At no time will such visits include the right to hold meetings, collect dues, make speeches, distribute inciting and inflammatory material, or to enter areas where access to classified material/matters may be gained. Nor will such visits be allowed to interfere with operations or progress of work in the area to be visited.

4006. FOREIGN VISITORS

1. The G-1 will maintain an "Official Visitor's Log" with the name, signature if practicable, nationality, title, office, sponsor, clearing authority, date, duration of the visit, and name and unit of escort, except during occasions specifically designated or authorized by the Commanding General, for the following categories of foreign nationals:

- a. Representatives of a foreign government or military service.
 - b. Foreign nationals (including foreigners in the United States on non-immigration visas).
 - c. Representatives of a foreign private interest.
 - d. Foreign nationals in the United States sponsored by a military department.
 - e. Foreign nationals employed on military projects, either as contractors, employers, or departmental employees.
2. The Staff Secretary/Protocol Officer will ensure that all escorts assigned to the above listed categories of visitors record their activities in the "Official Visitor's Log".
3. Escorts may be either military or civilian members of the unit, which the foreign national is visiting.
4. Visitor escorts are responsible to the Commanding General to ensure that the visitor has access only to the information which has been authorized. It will be the escort's responsibility to ensure that the visitor assigned is escorted at all times while aboard MCAS Miramar.

4007. UNAUTHORIZED VISITORS. Any person who has entered the station in violation of this Manual or who has legally gained entry to the Station and subsequently violates any orders in effect at the time of entry.

4008. UNDESIRABLE VISITORS

1. Any person who is a known criminal, sex offender, narcotic addict, or who received an other than honorable, bad conduct, or dishonorable discharge from the armed forces or whose actions are prejudicial to the good order and discipline of the Station are considered undesirable and will not be permitted entry to the station.
2. Upon receipt of information alleging the presence of personnel aboard the Station as defined above, the Provost Marshal will cause a thorough investigation to be made. If the Commanding General determines that the person is undesirable, the Commanding General may issue that person a letter of debarment. Any person who enters this Station after being issued a letter of debarment may be referred to federal authorities for prosecution per reference (h).

LAW ENFORCEMENT REGULATIONS

CHAPTER 5

RESTRICTED AND OUT OF BOUNDS AREAS

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LAW ENFORCEMENT REGULATIONS

CHAPTER 5

RESTRICTED AND OUT OF BOUNDS AREAS

5000. AREAS RESTRICTED TO ALL MILITARY AND CIVILIAN PERSONNEL. Access to the following areas are restricted to all military and civilian personnel except those individuals whose presence is required for duty.

1. All taxiways, runways, and aircraft parking areas, and areas located in the approach zone of the runway.
2. All aircraft hangars and warehouses.
3. All magazine areas and the Station Ordnance Storage Area.
4. All fuel farms.
5. Motor Pool.
6. The consolidated armory.
7. Communications Center.
8. Classified Material Control Center (CMCC).
9. The Commanding General may direct additional restricted areas and any areas which may be vital or substantially important to national security. Once directed, a change to this Manual will be published.

5001. MILITARY FAMILY HOUSING. All streets in these areas are off limits to personnel except residents, their visitors or those conducting official business.

5002. BACHELOR ENLISTED QUARTERS. All enlisted barracks are restricted to visitors between the hours of 2400 and 0700, except for official military business. All visitors will check in and out with the barracks manager or duty NCO.

5003. MINOR CHILD IN DINING FACILITY. Unless specifically authorized by the Commanding General, no person shall take a minor child or any guest into any military dining facility on this Station.

5004. MINOR CHILDREN. Unless specifically authorized by the Commanding Officer, no person shall take a person under the age of eighteen into any billeting area unless accompanied by their parent or legal guardian.

5005. SECURED BUILDINGS. Officers, enlisted and civilian personnel are prohibited from entering any secured building, unless in the performance of official military duties. Personnel of the Public Works Center, CDO and law enforcement (Military Police, Military Police Investigators and Naval Criminal Investigative Service) are authorized access to any building at any time if such access is necessary in the performance of their official duties. A building will be considered secured even though it is not locked, if the building is closed and personnel normally employed there are not present.

5006. CAMERAS AND PHOTOGRAPHY/PRESS

1. Privately Owned Cameras. The possession and use of privately owned cameras aboard the Station are authorized, subject to the following restrictions:

a. Photographs may be taken only in the immediate vicinity of living spaces, i.e., BOQ's/BEQ's, or recreational areas and other public areas aboard the Station.

b. Photographs will not be taken in any hangar, workshop, or office building, in aircraft parking or operating areas, or in locations identified as "Restricted" or "Restricted Area."

c. Commanding officers/officers in charge/section heads may authorize the taking of pictures of their commands, using personally owned equipment, in areas under their authority in which photography is otherwise prohibited. The photographer is required to carry written authorization signed by the Commanding Officer, having authority over the area, listing the names of the persons authorized to take pictures and the time during which the authority is effective. A copy of this letter will be provided to the

Provost Marshal's Office. The Commanding Officer having authority over the area is required to censor all photographs taken in each instance.

2. Media Representatives. Media representatives are authorized to take pictures aboard the station, and areas under Marine Corps jurisdiction subject to the following restrictions:

a. Prior to entry to the Station, the Public Affairs Office (PAO) will clear all members of the media.

b. A PAO representative will escort media personnel while aboard the Station and will ensure that media personnel do not interfere with operations or enter restricted areas.

c. Media representatives will be informed of the presence of exposed classified material that cannot be secured and will be required to cooperate in its protection. Photographers will be informed that photographing classified DoD material is a violation of federal criminal statutes (18 USC 795, 797).

d. Media representatives who refuse to cooperate will be immediately escorted off the Station and denied future access. Media personnel refusing to surrender unauthorized film will be held by Military Police and their superiors will be informed that publication of such classified information or refusal to return it to military authority is a violation of federal statute (18 USC 793 (e), 795, and 797).

e. If at any time a member of the media is found in an unauthorized area or aboard the Station without an escort, the PAO will be notified immediately. The offending media representative will be subject to immediate removal from the station and permanent debarment.

5007. SABOTAGE AND ESPIONAGE

1. General sabotage and espionage activities are an ever-present menace to any military organization, requiring constant vigilance on the part of all personnel to combat them. All personnel having knowledge of any person who is creating or attempting to create dissatisfaction or unrest among service personnel, or of any person seeking to obtain military information from service personnel, will report such facts to Military Police. Any incident of possible or actual sabotage will be immediately reported to the Provost

Marshal. The unit that would tend to compromise the formal investigation will undertake no investigative action. This does not preclude commanders from taking the steps necessary to ensure the security of their commands. The scene of the incident will be secured immediately and personnel, as necessary, restricted to ensure evidence is properly protected and processed.

2. Reporting of Violations. All violations effecting the national security or security of this Station will be reported as follows:

a. The presence of any unauthorized person aboard this Station or in any restricted area will be promptly reported to the PMO.

b. The discovery of any explosive, unauthorized firearms, or unauthorized privately owned cameras in restricted areas will be reported promptly to the PMO.

c. The discovery of the loss of, tampering with, or compromise of any classified material, will be promptly reported to PMO.

5008. SCAVENGING IN TRASH CONTAINERS/DUMPSTERS. Scavenging in trash containers or dumpsters for recyclable materials is prohibited.

LAW ENFORCEMENT REGULATIONS

CHAPTER 6

SOLICITOR CONTROL

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LAW ENFORCEMENT REGULATIONS

CHAPTER 6

SOLICITOR CONTROL

6000. GENERAL. It is Marine Corps policy to safeguard and promote the welfare of our personnel as consumers by providing a uniform approach to the conduct of all personal and commercial solicitation on our station and to provide consumer protection standards.

1. No person has the authority to enter the station and transact personal or commercial solicitation as a matter of right.
2. A maximum of two agents may be authorized to represent any one firm, company or organization at one time aboard the Station.
3. Members of military families living in family housing who conduct limited home enterprises such as handicrafts, childcare, and retail sale of products within their quarters, are subject to the policy and procedural guidelines of this Manual.
4. All personal or commercial solicitation aboard the Station is subject to the provisions of this Manual. A copy of Appendix A and B of this Manual, will be provided to all persons conducting commercial activities aboard the Station. Authorized solicitors will be advised that any violation of the regulations will result in withdrawal of solicitation privileges.
5. Any endorsement of a solicitor by the Station, command, military organization, or department aboard this Station is strictly prohibited.

6001. QUALIFICATION FOR SOLICITATION. Subject to the limitations indicated in paragraph 6000 above, solicitation may be permitted aboard the station only when the following conditions are met and verified the SJA:

1. The solicitor must be duly licensed with the State of California and comply with Station regulations regarding registration and pass control.

2. Solicitors must indicate in writing that they have received a copy of Appendix A and that they understand and agree to comply with the provisions contained therein.
3. Agents dealing in life insurance and/or securities must indicate in writing that they have received a copy of Appendix B and that they understand and agree to comply with the provisions contained therein.
4. All securities offered by solicitors aboard the station must be registered with the Securities and Exchange Commission.
5. Once the above conditions are met, the SJA will issue a letter specifically authorizing solicitors to conduct business aboard the station. The solicitor will then be referred to PMO for a business pass.

6002. PROCEDURES FOR SOLICITATION APPROVAL. The following procedures will be followed to receive authorization for solicitation aboard the station.

1. Submit a written request to the Commanding General, Marine Corps Air Station Miramar (Attn: SJA) to solicit business aboard the station.
2. The SJA (Civil Law Officer) will review the request and provide Appendix A and if appropriate, Appendix B to the requesting solicitor.
3. The solicitor must sign the appropriate appendices verifying receipt for and understanding of the appendices and return the signed documents to the Civil Law Officer.
4. If the solicitor meets the criteria outlined in this Manual and applicable orders, and returns the signed appendices, the SJA will send an authorization letter to the solicitor giving permission to solicit aboard the Station. If no expiration is specified, the authorization is effective for a period of one year from the date of issue.
5. All signed appendices and authorization letters will be maintained on file at by the SJA.

6. The solicitor must take the authorization letter to the Administrative Section of PMO, where a "Business Pass" will be issued. The Provost Marshal will maintain updated records of all business passes issued, expired, or revoked for a maximum period of two years from expiration or revocation.

6003. STATION PERSONNEL RESTRICTIONS. Per reference (i), all military and civilian personnel employed aboard the Station are restricted from:

1. Representing or assisting any securities or commercial life insurance company, representative, or agent in the solicitation and sale of their products aboard the station.
2. Assisting, aiding, or abetting any securities or commercial life insurance company, representative, or agent is violating the provision of this Manual.

6004. DENIAL OR WITHDRAWAL OF SOLICITATION PRIVILEGES. Per reference (j), the Commanding General may withdraw or deny solicitation privileges when it is in the best interest of the command.

1. If it is determined that a solicitor has either violated a provision of Appendix A, Appendix B, this Manual or other lawful orders, or for some other reason is ineligible to continue soliciting aboard the Station, the authorization for solicitation will be revoked.
2. The PMO will be immediately notified when an authorization has been revoked. The PMO will then confiscate the solicitor's business pass.

6005. OFF-STATION MILITARY ENFORCEMENT. When off-station commercial solicitation by a company or its agents, who were denied station solicitation privileges, becomes a threat to the discipline, health, welfare, or morale of members of this Station, the Commanding General may direct action for off-station military enforcement under Armed Forces Disciplinary Control Board procedures contained in reference (k).

6006. PRIVATE HOME ENTERPRISES. Military family members residing in family housing are authorized to conduct limited commercial activities in their quarters under the following guidelines:

1. Commercial retail and service activities customarily conducted out of commercial premises are not within the intent of this Manual. Home enterprises authorized on Station must be in good taste and conducive to the community atmosphere, such as; selling of handcrafts, childcare services, tailoring, tax returns, and similar activities. Activities that would tend to bring individuals or the Station into disrepute shall not be authorized. Sale of brand name merchandise that is available through the Exchange, Commissary or other military resale activities aboard the Station is prohibited.
2. Requests must be made and approved in writing in advance, and must be conditioned in compliance with the policy and procedures in this Manual (refer to paragraphs 6001 and 6002).
3. Sales to subordinates is prohibited.
4. Internal or external alterations to housing units and external signs, displays, or advertising of the enterprises are prohibited.
5. Home enterprises that might alter the residential, noncommercial appearance, atmosphere, tranquillity or safety of the neighborhood are prohibited.

6007. EDUCATION PROGRAM. Commanding Officers are encouraged to provide qualified personnel and facilities for counseling for military members on loans, consumer credit transactions, and insurance matters to encourage thrift, financial responsibility and sound financial planning.

1. Representatives of credit unions, banks and approved nonprofit military associations may be used to provide counseling to military personnel provided a commercial insurance company does not underwrite such associations. Under no circumstances will services of commercial agents, including loan, finance, insurance, or investment companies be used for these purposes.

LAW ENFORCEMENT REGULATIONS

CHAPTER 7

CONTROL OF FIREARMS, DANGEROUS WEAPONS, AMMUNITION,
EXPLOSIVES AND PYROTECHNICS

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LAW ENFORCEMENT REGULATIONS

CHAPTER 7

CONTROL OF FIREARMS, DANGEROUS WEAPONS, AMMUNITION, EXPLOSIVES AND PYROTECHNICS

7000. GENERAL. To provide a safe environment for all personnel, the following policy and procedures concerning the control of firearms, dangerous weapons, ammunition, explosives and pyrotechnics aboard MCAS Miramar are established.

7001. JURISDICTION. Individuals assigned to or visiting the Station are subject to this Manual and to federal and state law pertaining to firearms, dangerous weapons, ammunition and explosives. Violations of this manual may be punishable under the UCMJ or applicable state and federal laws.

7002. DEFINITIONS

1. Firearm. A firearm is any weapon from which a projectile is expelled by force of explosion, air pressure, CO2 pressure or spring action. This includes, but is not limited to, all handguns i.e., rifles, pistols, shotguns and "BB" or pellet guns.

2. Dangerous Weapon. A dangerous weapon is any device that is specifically designed for the purpose of inflicting death or grievous bodily harm or, because of its inherent characteristics, is capable of inflicting death or grievous bodily harm. This includes, but is not limited to firearms, bow and arrows, slingshots or any object capable of expelling a projectile with sufficient force to inflict grievous bodily harm, folding or sheathed knives with blades longer than 3 inches, designed to be carried upon the person, fighting implements associated with martial arts, and clubs or batons designed or altered to be used as weapons.

7003. CONTROL OF FIREARMS, DANGEROUS WEAPONS AND AMMUNITION. All individuals aboard the Station, except law enforcement or guard personnel in the performance of their official duties, will adhere to the following procedures regarding introduction, storage, transportation, discharge, transfer, or removal of firearms, dangerous weapons and ammunition aboard the Station.

1. Disclosure of Dangerous Weapons. Any person bringing a weapon aboard the Station will notify the Military Police at the gate that they are in possession of a weapon.

2. Registration of Firearms and Dangerous Weapons. Individuals will register all firearms and any other dangerous weapon with PMO immediately upon introduction to the Station as follows.

a. During normal working hours Military Police will direct the person to the Weapons Registration Section in the Vehicle Registration office, adjacent the main gate, to register their weapon(s). After registration is complete, owners residing in the BOQ/BEQ will store the weapon(s) in their unit armory. (See paragraph 7005.4 for storage requirements).

b. After normal working hours and on weekends and holidays, Military Police will refer persons with weapon(s) to Military Police Headquarters, where the person's name, rank, social security number and the make, model and serial number of the weapon(s) will be recorded. The weapon(s) will then be stored in the PMO armory until the next working day when the owner will register the weapon at the Weapons Registration Section in the Vehicle Registration Office and store the weapon in their unit armory. Those persons reporting aboard the station for duty will leave their weapon(s) in the PMO armory until they are assigned to a unit.

c. Personnel who are entering the East Miramar portion of the Station for recreational firing at the recreational firing range are exempt from weapon registration requirements. Personnel will enter via the Camp Elliot gate, declare their weapon to the Military Policeman, and take the most direct route to and from the range. Travel to any other area of the Station requires the weapon to be registered.

3. Transportation of Firearms Dangerous Weapons and Ammunition

a. No person shall carry on or about their person any firearm or other dangerous weapon concealed from view, except when authorized in the performance of official duty. "On or about" means that the weapon is carried by a person or kept within the person's reach.

b. Other than when authorized in the performance of official duty, no person shall carry on or about their person or within their vehicle a loaded firearm. A firearm is deemed to be "loaded" when there is an unexpended cartridge or shell in, or attached in any manner to, the firearm. This includes, but is not limited to, a cartridge or shell that is in the firing chamber, the magazine, or a clip that is attached to or inserted in the firearm.

c. Other than when authorized in the performance of official duty, individuals transporting firearms or other dangerous weapons aboard the Station must place the weapons inside the trunk of their vehicle. If a vehicle does not have a trunk, then the weapon may be transported in the passenger compartment, providing the weapon is not in reach of the driver. All firearms must be unloaded at the time of transportation. Ammunition must be transported in a sealed package or container separate from the weapon.

4. Storage of Firearms, Dangerous Weapons, and Ammunition

a. Military Family Housing. All personnel residing in military family housing who desire to store firearms or other dangerous weapons in their quarters will register all weapons with the PMO per paragraph 7003.2 prior to such storage. A completed copy of the registration form will be used as a permit for such retention and will be stored with the weapon at all times. Ammunition for registered weapons may also be stored in quarters. All firearms, dangerous weapons and ammunition will be made inaccessible to minors or disassembled to render them inoperable.

b. Barracks or Bachelor Officers Quarters (BOQ). At no time will firearms, dangerous weapons, or ammunition be allowed in the barracks or BOQ aboard the Station, unless required in the performance of official duties. Unit armories are designated, as the only acceptable storage space for firearms, dangerous weapons, and ammunition possessed by personnel residing in these areas. Such firearms or other dangerous weapons must be registered with PMO before being stored in the appropriate armory. Persons who check their weapons out of their unit armory for use over a weekend or in the evening will not store their weapon(s) in the barracks or in their vehicles. When aboard the Station, the weapon(s) will be temporarily stored in the PMO Armory, which is open 24 hours a day, seven days a week.

5. Discharge of Firearms, Dangerous Weapons and Ammunition.

Firearms, dangerous weapons, or ammunition will not be discharged on the Station except when authorized in designated areas.

7004. ALTERING OR REMOVING IDENTIFYING MARKS OR NUMBERS. No individual will alter or remove any identifying mark or number from any firearm or other dangerous weapon in their possession, nor will any individual possess any weapon that has been altered.

7005. GOVERNMENT WEAPONS. At no time will government firearms, weapons or ammunition be taken to or stored in private living quarters (housing, barracks, BOQ, etc.), except in the performance of official government business. Weapons may be removed from the Station only when authorized by the cognizant unit commander.

7006. SALE, LEASE, TRANSFER AND REMOVAL. Individuals who sell, lease, or transfer possession of any firearm or other dangerous weapon aboard the Station will report the transfer to the Provost Marshal's Office immediately, and all such transactions will comply with all applicable state and federal laws. If the weapon is kept aboard the Station by the transferee, that person must conform to the provisions of this Manual. Individuals will deregister all firearms and dangerous weapons when permanently removed from the Station. Deregistration will be done immediately by the registered owner. Deregistration must be done in person at PMO.

7007. EXPLOSIVES FIREWORKS AND PYROTECHNICS. Introduction, possession and use of explosives, fireworks, or pyrotechnics aboard the Station are prohibited except when required in the performance of official duties. Such items may not be stored in the barracks, BOQ, or within military family housing.

7008. CHEMICAL IRRITANTS. The introduction, possession and use of mace, tear gas, pepper spray and all other chemical irritants aboard the Station is permitted provided the weapon is registered with the Provost Marshal and the owner completes any prescribed safety course as determined by the Provost Marshal. Additionally, the owner must comply with the summary of California Penal Code Section 12400:

1. The owner may not have been convicted of a felony crime involving an assault.
2. The owner may not be addicted to any narcotic drug.

3. The owner must be at least 18 years of age, or 16 years old with parental consent.

4. The chemical must be an aerosol type container and not more than 2.5 ounces in weight.

5. The chemical must be used for self-defense only.

7009. CONFISCATION. Items found in violation of this Manual or state/federal laws will be confiscated and disposed of in the best interest of the U.S. Government.

LAW ENFORCEMENT REGULATIONS

CHAPTER 8

CONTROL OF PETS

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LAW ENFORCEMENT REGULATIONS

CHAPTER 8

CONTROL OF PETS

8000. SAN DIEGO COUNTY ORDINANCE. Individuals desiring to keep dogs aboard MCAS Miramar must comply with Chapter 6 of Division 2 of Title 6, San Diego County Code and the provisions of this Manual.

8001. DOG LICENSING REQUIREMENTS. All dogs over four months old must be licensed with San Diego County Animal Control. The license tags issued by San Diego County must be attached to a dog collar or harness on the dog at all times.

8002. AREAS RESTRICTED TO ANIMALS. No animal, except Military Police Working Dogs in the performance of official duties and seeing eye dogs, will be allowed in the Station dispensary, BOQ's/BEQ's, clubs, dining facilities, exchange activities, commissary stores, swimming pools, gymnasiums, the quarter mile running track, any area where food is prepared or stored, theaters, or office buildings.

8003. STRAY DOGS. All stray dogs will be turned over to the San Diego County Animal Shelter. Licensed strays that are not recovered by their owners within five working days (three working days for unlicensed strays) will be put up for sale or destroyed.

8004. DANGEROUS ANIMALS

1. A dangerous animal is any animal which:

a. Has twice, within a 48-month period, attacked, bitten, or otherwise caused injury to a person engaged in lawful activity.

b. Has once attacked, bitten, or otherwise caused injury to a person engaged in lawful activity, resulting in death or substantial injury.

c. Has been declared a "Vicious" or "Dangerous" animal by the San Diego County, Department of Animal Control or the Provost Marshal.

2. When an animal is determined to be dangerous, the owner will be notified and the animal will be permanently removed from the Station.

8005. ANIMAL BITE CASES. All cases of animal bites will be reported immediately to the Provost Marshal. If a person or pet is bitten by a stray animal, the animal, if found, will be impounded by PMO and turned over to the San Diego County Animal Shelter.

8006. QUARANTINE. San Diego County Department of Animal Control personnel will determine whether an animal that has bitten a person or other animal, will be quarantined by the owner or impounded and quarantined by the County or authorized veterinarian. During quarantine, the animal will be isolated in an enclosed environment that will prevent contact with persons or other animals.

8007. OWNER RESPONSIBILITY. It is the responsibility of all owners of animals to prevent them from becoming a public nuisance. When animals are reported to the Provost Marshal as public nuisances, the report will be investigated, and if substantiated, the owner will be ordered to remove the animal from the Station.

8008. DEAD ANIMAL DISPOSAL. The disposal of dead animals is the responsibility of the owner. If an animal is accidentally killed or found dead, the owner will be notified. If the animal is a stray or cannot be identified, a report will be made to PMO. If the Provost Marshal cannot establish ownership, the animal will be surrendered to the San Diego County Animal Shelter for disposal. If an animal is suspected of having died from a disease, particularly rabies, the San Diego County Animal Shelter will be consulted for instructions prior to disposal.

8009. LEASH REGULATIONS. When a dog is beyond the premise of the owner it will be attended and fastened to a leash not to exceed six feet in length. The premise of personnel living aboard the Station is construed to be that portion of a yard that is the assigned responsibility for care and maintenance of the person concerned. Beyond the limits of the housing area, working and hunting dogs may be used without a leash when attended, and in voice control, by the owner/handler and when in a prescribed area for the purpose of the animal's function.

8010. COMPLAINTS. Animal owners who fail to comply with the provisions of this Manual will be issued a letter from the Provost Marshal (Figure 8-1). Three complaints/violations will result in the removal of the animal from the Station.

LAW ENFORCEMENT REGULATIONS

UNITED STATES MARINE CORPS
Provost Marshal's Office
Marine Corps Air Station Miramar
PO Box 452013
San Diego, California 92145-2013

5500
CPMO

From: Provost Marshal, Marine Corps Air Station, Miramar
To:

Subj: COMPLAINT OF ANIMAL/PET VIOLATION

Ref: (a) StaO P5510.2B

1. Per the reference, the owner is responsible for registration, care, and control of animals/pets.

2. On _____ a complaint was registered with the Provost Marshal regarding the following situation:

3. This is the _____ complaint against the above animal/pet.

_____ Additional complaint(s) will require that you remove your animal/pet from the Station.

_____ You are hereby directed to immediately remove the above animal/pet from MCAS Miramar.

Copy to:
Commanding Officer
Housing Director

LAW ENFORCEMENT REGULATIONS

CHAPTER 9

DEMONSTRATIONS AND DISTRIBUTION OF WRITTEN MATERIAL

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LAW ENFORCEMENT REGULATIONS

CHAPTER 9

DEMONSTRATIONS AND DISTRIBUTION OF WRITTEN MATERIAL

9000. GENERAL. This chapter regulates the conduct of individuals engaging in the distribution of printed or written materials aboard the Station and participation in demonstrations on and off the Station. In this regard, individual rights to free speech and peaceful assembly under the First Amendment of the United States Constitution will be preserved to the maximum extent possible, consistent with preserving the good order and discipline of the Marine Corps and national security.

9001. DEFINITIONS

1. Demonstration. A public expression of individual or group opinions. Demonstrations may take the form of picketing, sit-ins, protest marches and rallies.
2. Sit-In. A demonstration at which persons promote a particular issue by sitting in, lying in, or otherwise occupying some area and refusing to move.
3. Protest March. A demonstration at which persons promote a particular issue by marching in groups.
4. Rally. A demonstration taking the form of a large gathering of persons which is organized to promote or discuss a particular cause.
5. Distribution. The physical transfer or conveyance of some tangible object.
6. Printed or written material. Any communication fixed in a tangible medium of expression.

9002. DISTRIBUTION OF PRINTED OR WRITTEN MATERIAL

1. The distribution of any printed or written material on this Station which is determined by the Commanding General's representative (Provost Marshal) to present a clear danger to the loyalty, discipline, morale of military personnel, or mission of this Station or to the Marine Corps, is prohibited.

2. Except for publications distributed through official outlets, such as the Marine Corps Exchange and the Station library, the distribution of any printed or written material on this Station, to include commercial solicitations and petitions, is prohibited unless prior approval is obtained per paragraph 9004 of this Manual.

3. Printed or written material which is prohibited from distribution under paragraph 9002.1, or not approved per paragraph 9004, will be confiscated if the Provost Marshal determines it is likely an attempt will be made to distribute the material. The mere possession of unauthorized printed material is not prohibited.

9003. DEMONSTRATIONS

1. Demonstrations conducted on board the Station, which could result in interference with or prevention of, the orderly accomplishment of the mission of this Station, constitute a breach of law and order, are likely to result in violence or present a clear danger to the loyalty, discipline, or morale of Station military personnel, are prohibited.

2. Demonstrations aboard the Station will not be conducted without prior approval of the Provost Marshal.

3. Active duty and reserve personnel are prohibited from participating in off-base demonstrations when they are on duty; when their activities constitute a breach of law and order; when violence is likely to result; when they are in uniform; or when actively participating in demonstrations for organizations that espouse supremacist causes, attempt to create illegal discrimination based on race, creed, color, sex, religion, or national origin, advocate the illegal use of force or violence, or otherwise engage in efforts to deprive individuals of their civil rights.

4. The use of Station facilities for any partisan political activity is prohibited.

9004. PROCEDURE FOR APPROVAL TO DISTRIBUTE PRINTED OR WRITTEN MATERIALS OR FOR DEMONSTRATIONS

1. Persons desiring to distribute noncommercial printed or written material or demonstrate, must submit a written request to:

Commanding General
Attn (PAO)
MCAS Miramar
P O Box 452013
San Diego CA 92145-2013

2. The request must include the date, time, place, purpose, name of those sponsoring the activity, that the activity does not discriminate on the basis of race, creed, color, national origin, sex, or religion.
3. The PAO will respond in writing within seven working days of receipt of the request. If there are any doubt as to whether a particular request should be granted or denied, the request will be forwarded for review by the SJA, MCAS Miramar.
4. Approval of a request by the PAO does not constitute approval of the Marine Corps or this command of the content of any printed or written material for which permission to distribute is granted. Individuals distributing printed or written material or participating in a demonstration remain subject to prosecution for any criminal violations contained in those materials or arising from the demonstration.
5. Per reference (j), no person the has authority to enter this installation and transact commercial solicitation as a matter of right. Persons desiring to distribute printed or written materials of a commercial nature must follow the provisions set forth in Chapter 6 of this Manual.
6. Appeals. Any person denied approval by the Public Affaires Office for a particular activity, any appeal in writing within 10 working days of the date of denial of the application to:

Commanding General
Attn (SJA)
MCAS Miramar
P O Box 452013
San Diego CA 92145-2013

9005. REDRESS OF GRIEVANCES. No one shall enter or remain on this Station for any purpose prohibited by this Manual. Such entry constitutes a violation of Section 1382, Title 18, United States Code, which provides that "whoever, within the jurisdiction of the

United States, goes upon any military . . . reservation, . . . for any purpose prohibited by law or lawful regulation shall be fined not more than \$5,000 or imprisoned for not more than six months, or both."

LAW ENFORCEMENT REGULATIONS

CHAPTER 10

FINGERPRINTING OF SUSPECTS

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LAW ENFORCEMENT REGULATIONS

CHAPTER 10

FINGERPRINTING OF SUSPECTS

10000. GENERAL. SECNAV Instruction 5580.1 requires that all DON security and law enforcement organizations submit fingerprint identification cards and follow-on adjudication reports for all persons identified by the aforementioned organizations who are suspected of committing violations of the Uniform Code of Military Justice, United States Codes, or State laws.

10001. OBJECTIVE. The Federal Bureau of Investigation, under the Department of Justice, maintains statistical crime information and is the central storage facility for criminal identification fingerprints. Compliance with the SECNAV Instruction will ensure DON personnel suspected of committing violations of the law, and those convicted for law violations, are statistically represented. Additionally, compliance will ensure the proper identification of criminals within the Marine Corps and Department of the Navy.

10002. POLICY

1. Military Police aboard the Station will, upon the apprehension or identification of a suspect, obtain fingerprints from that suspect on the Federal Bureau of Investigation (FBI) Record Fingerprint Card (FD-249). These fingerprint cards will be forwarded to the Naval Criminal Investigative Service, who will act as the Marine Corps facilitator, and will forward the cards to the FBI for entry into their data files.

2. Concurrently, Military Police will prepare a FBI Final Disposition Report (R-84). Upon notification from the suspect's command, Military Police will annotate the adjudicative or administrative action taken against the suspect on the Final Disposition Report, and forward the report to the FBI.

3. Commanders are responsible for notifying the Provost Marshal with the results of adjudicative or administrative action taken against the suspect for the offense(s), or the lack of any action taken against the suspect. The report must include the following information: Date of action, Type of action, and awarded punishment. Figure 10-1 is provided as a sample format for notification to the Provost Marshal.

a. The adjudication report from commanders must be made pursuant to an offense reported to, initiated by, or investigated by members of the Provost Marshal's Office.

b. Adjudicative reports need not be generated for those offenses not covered in the paragraph above.

10003. ACTION

1. Military Police are responsible for obtaining suspect fingerprints on the FBI Suspect Fingerprint Card (FD-249) and the preparation of the Final Disposition Report (R-84).
2. Commanders are responsible for the notification to the Provost Marshal of command action taken against suspects.
3. The Provost Marshal's Office is responsible for forwarding the FD-249 and R-84 to the FBI via the NCIS.
4. All military police will be knowledgeable of the policies and procedures required for completion of the FD-249 and R-84.

LAW ENFORCEMENT REGULATIONS

FINGERPRINTING OF SUSPECTS

From: Commanding Officer, _____
To: Provost Marshal, MCAS Miramar
Subj: REPORT OF COMMAND ACTION ICO _____
Ref: (a) Military Police Incident Complaint Report,
CCN: _____

1. On _____ (date), _____ (SNM), a
member of this command, was the recipient of the following action:

Court Martial: _____ Type: _____ Awarded: _____

NJP: _____ Type: _____ Awarded: _____

Other: _____ Explain: _____

No Action: _____

Note: If action was taken for a violation other than what was
reported by the Military Police, please note the differing
violation(s) here _____

Printed Name & Title

Signature and date

Figure 10-1. - Sample Report of Command Action

LAW ENFORCEMENT REGULATIONS

APPENDIX A

PRIVATE COMMERCIAL SOLICITATION ON MCAS MIRAMAR

1. SOLICITATION OF DOD PERSONNEL AND THEIR DEPENDENTS IS PERMITTED ONLY WHEN:

a. The Commanding General, MCAS Miramar has specifically authorized solicitation in writing. Solicitation will be conducted on an individual basis by specific prior appointment in family quarters. When establishing the appointment, agents must identify themselves to the prospective purchaser as an agent for a specific company.

b. The agent has complied with local base registration procedures, the provisions of this instruction and is licensed in the State of California.

2. PROHIBITED SOLICITATION PRACTICES

a. Solicitation of personnel while in a "mass" or "captive" audience on board the Station.

b. Making appointments with or soliciting military personnel who are in an "on-duty" status.

c. Soliciting without appointment in any area onboard MCAS Miramar, including all Station housing areas.

d. Use of official identification cards, vehicle stickers or passes by retired or reserve members of the armed forces to gain access to the Station for the purpose of soliciting.

e. Procuring or supplying, or attempting to procure or supply roster listings of DON personnel for the purpose of commercial solicitation, except pursuant to procedures implementing the Freedom of Information Act.

f. The offering of unfair, improper or deceptive inducements to purchase or trade.

g. Practices involving rebates to facilitate transactions or to eliminate competition. Credit union interest refunds to borrowers are not considered a prohibited rebate.

LAW ENFORCEMENT REGULATIONS

h. The use of any manipulative, deceptive or fraudulent device, scheme or artifice, including misleading advertising and sales literature.

i. Using oral or written representations to suggest or give the appearance that Department of Defense or Department of the Navy sponsors or endorses any particular company, its agents, or the goods, services and commodities it sells.

j. The entry into any unauthorized or restricted area.

k. Solicitation by a military member of another military member who is junior in rank or grade, whether on or off duty, in or out of uniform, on or off Station at any time, except as permitted in 5 Code of Federal Regulations, Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch, and DoD Instruction 5500.7-R, Department of Defense Joint Ethics Regulations.

l. Using any portion of Station facilities, including quarters, as a showroom or store for the sale of goods or services. This does not preclude private home enterprise sales as described under paragraph 6006 of this Manual.

m. Soliciting door-to-door.

n. Advertising addresses or telephone numbers of commercial sales activities conducted on the Station, except for authorized activities conducted by members of military families residing in family housing.

LAW ENFORCEMENT REGULATIONS

APPENDIX B

LIFE INSURANCE PRODUCTS AND SECURITIES

1. PROHIBITED PRACTICES. The practices outlined in Appendix A of this manual and the following practices are prohibited with specific reference to the sale of insurance and securities.

a. DoD personnel representing an insurance company, or dealing directly or indirectly with any insurance company or any recognized representative of an insurance company as an agent, or in any official or business capacity, for the solicitation of insurance to personnel on MCAS Miramar.

b. Agents assuming or using titles such as "Squadron Insurance Counselor", "Unit Insurance Advisor", "SGLI Conversion Consultant" ect., which can give rise to an inference of government or unit approval.

c. The assignment or use of office or desk space for an interview for other than a specified, prearranged appointment. During prearranged appointments, the agent will not display desk or other signs announcing name or company affiliation.

d. The use of Station Bulletins, the Plan of the Day, or any other notice, official or unofficial announcing the presence of agents and their availability.

e. The distribution, or availability for distribution, of literature or advertisement materials other than to the person being interviewed.

2. LIFE INSURANCE POLICY CONTENT PREREQUISITES

a. Insurance products, other than certificates or other evidence of insurance issued by a self-insured association, offered and sold to personnel on MCAS Miramar must:

(1) Comply with the insurance laws of the State of California and the procedural requirements of this station;

(2) Contain no restriction by reason of military service or military occupational specialty for the insured, unless such restrictions are clearly indicated on the face of the contract;

LAW ENFORCEMENT REGULATIONS

(3) Plainly indicate any extra premium charges imposed by reason of military service or military occupational specialty;

(4) Contain no variation in the amount of death benefit or premium based on the length of time the contract has been in force, unless all such variations are clearly described therein.

b. For the purpose of subparagraphs (2), (3), and (4) above, an appropriate reference stamped on the face of the contract shall draw the attention of the policy holder to any extra premium charges and any variation in the amount of death benefit or premium based on the length of time the contract has been in force.

c. Premiums must reflect only the actual premiums payable for the life insurance product.

d. Variable life insurance products may be offered provided they meet the criteria of the appropriate insurance regulatory agency and the Securities and Exchange Commission.

3. SALE OF SECURITIES

a. All securities must be registered with the Securities and Exchange Commission.

b. All sales of securities must comply with existing and appropriate Securities and Exchange Commission regulations.

c. All securities representatives must apply to the Commanding General, MCAS Miramar (Attn: SJA) if they desire to solicit the sale of securities on the station.

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Out of State Registration.	2006.2.a
Vehicles Exempt.	2006.2.b
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Temporary Passes	2010
Tint	2004.1.r
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Appearance/Plea	2015.5
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Failure to Appear	2015.6
Respondent Rights	2015.7
Traffic Board Clerk	2015.4
Traffic Board Officer	2015.3
Traffic Point System	2016
Accumulation of Points.	2016.3.c
Applicability	2016.2
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Pedestrians	2012.5
Roller skating/Roller Blading/Skate Boarding.	2012.12
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Traffic Control Devices	2012.2
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Traffic Violation Notices.	2014
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Reinstatement of Driving Privileges	2018

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Vehicle Registration.	2006
DOD Registration decals.	2007
Modifications/Alterations to Vehicle	2005
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Station Requirements	2006.3
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Automobile	2004.1
Motorcycles and Motorized Bicycles	2004.2
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